By Mr. GOODELL:
H.J. Res. 1253. Joint resolution to provide for the establishment of a Commission on National Defense Policy; to the Committee on Armed Services.
By Mr. GUBSER:
H.J. Res. 1254. Joint resolution to establish an Atlantic Union delegation; to the Committee on Foreign Affairs.
By Mr. KREBS:
H.J. Res. 1255. Joint resolution to authorize the President to proclaim the last week in October of each year as "National Water Awareness Week"; to the Committee on the Judiciary.
By Mr. RACE:
H.J. Res. 1256. Joint resolution to authorize the President to proclaim the last week in October of each year as "National Water Awareness Week"; to the Committee on the Judiciary.
By Mr. DOW:
H.J. Res. 1257. Joint resolution to authorize the President to proclaim the last week in October of each year as "National Water Awareness Week"; to the Committee on the Judiciary.
By Mr. ROSENTHAL:
H. Con. Res. 946. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.
By Mr. BENNETT:
H. Res. 954. Resolution to create a permanent Select Committee on Standards and Conduct; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHMORE:
H.R. 16785. A bill for the relief of Barbara Wilson; to the Committee on the Judiciary.
By Mr. BROWN of California:
H.R. 16786. A bill for the relief of Zenon Hernandez Betanzos; to the Committee on the Judiciary.
By Mr. CLARK:
H.R. 16787. A bill for the relief of Ok Yon (Mrs. Charles G.) Kirsch; to the Committee on the Judiciary.
By Mr. MINISH:
H.R. 16788. A bill for the relief of Frank I. Mellin, Jr.; to the Committee on the Judiciary.
By Mr. ROGERS of Colorado:
H.R. 16789. A bill for the relief of Harry Bush; to the Committee on the Judiciary.
By Mr. TUNNEY:
H.R. 16790. A bill for the relief of Mrs. Marie J. Saladino; to the Committee on the Judiciary.

SENATE

TUESDAY, AUGUST 2, 1966

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, who hast set a restlessness in our hearts, and made us all seekers after that which we can never fully find, forbid us to be satisfied with what we make of life. Draw us from base content, and set our eyes on far-off goals. Keep us at tasks too hard for us, that we may be driven to Thee for strength. Deliver us from fretfulness and self-pity; make us sure of the goal we cannot see, and of the hidden good in the world.

Open our eyes to simple beauty all around us, and our hearts to the loveliness men hide from us because we do not try enough to understand them.

Save us from ourselves, and show us a vision of a world made new. May the spirit of peace and illumination so enlighten our minds that all life shall glow with new meaning and new purpose; through Jesus Christ our Lord. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, August 1, 1966, was dispensed with.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of August 1, 1966,

Mr. CLARK, from the Committee on Labor and Public Welfare, reported on August 1, 1966, an original joint resolution (S.J. Res. 186) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes, and submitted a report (No. 1424) thereon, together with the individual views of Mr. DOMINICK, Mr. FANNIN, and Mr. MURPHY, which joint resolution was read twice by its title, and placed on the calendar, and the report was printed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts:

On July 30, 1966:
S. 3093. An act to amend the act of March 3, 1931, and October 9, 1962, relating to the furnishing of books and other materials to the blind so as to authorize the furnishing of such books and other materials to other handicapped persons.
On August 1, 1966:
S. 2948. An act to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2412. An act to terminate use restrictions on certain real property previously conveyed to the city of Kodiak, Alaska, by the United States;
S. 3249. An act to consent to the interstate compact defining the boundary between the States of Arizona and California;
S. 3498. An act to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes between States and Nationals of other States, signed on August 27, 1965, and for other purposes;
H.R. 3013. An act to amend title 10, United States Code, to provide gold star lapel buttons for the next of kin of members of the Armed Forces who lost or lose their lives in war or as a result of cold war incidents;
H.R. 11980. An act to authorize the Secretary of the Army to donate two obsolete German weapons to the Federal Republic of Germany;
H.R. 12031. An act to authorize the appointment of Col. William W. Watkin, Jr., professor, of the U.S. Military Academy, in the grade of lieutenant colonel, Regular Army, and for other purposes; and
H.R. 13374. An act to amend title 10, United States Code, to authorize the award of trophies for the recognition of special accomplishments related to the Armed Forces, and for other purposes.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced that on today, August 2, 1966, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 12389. An act to increase the amount authorized to be appropriated for the development of the Arkansas Post National Memorial; and
H.R. 15225. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

APPOINTMENT OF DELEGATES TO THE 55TH FALL CONFERENCE OF THE INTER-PARLIAMENTARY UNION, TO BE HELD IN TEHERAN, SEPTEMBER 27 TO OCTOBER 4, 1966

The VICE PRESIDENT. The Chair, pursuant to Public Law 74–170, appoints the following Senators as delegates to the 55th fall conference of the Inter-Parliamentary Union, to be held in Teheran on September 27 to October 4, 1966: HERMAN E. TALMADGE, A. WILLIS ROBERTSON, ALAN BIBLE, EDWARD V. LONG, RALPH YARBOROUGH, PHILIP A. HART, BOURKE B. HICKENLOOPER, HUGH SCOTT, HIRAM L. FONG, THOMAS H. KUCHEL, and MILWARD L. SIMPSON, alternate.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

IMPROVEMENT OF AIDS TO NAVIGATIONS SERVICES OF THE COAST GUARD

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed

legislation to improve the aids to navigation services of the Coast Guard (with accompanying papers); to the Committee on Commerce.

REPORT ON REFUGEE-ESCAPEES PAROLED INTO THE UNITED STATES

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on refugee-escapees paroled into the United States (with accompanying papers); to the Committee on the Judiciary.

THE UNEMPLOYMENT INSURANCE AMENDMENTS OF 1966—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 1425)

Mr. LONG of Louisiana. Mr. President, from the Committee on Finance, I report favorably, with amendments, the bill (H.R. 15119) to extend and improve the Federal-State unemployment compensation program. I ask unanimous consent that the report be printed, together with the minority view of Senators WILLIAMS of Delaware, BENNETT, MORTON, CARLSON, CURTIS, and DIRKSEN.

The VICE PRESIDENT. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Louisiana.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 3680. A bill authorizing the Administrator of Veterans' Affairs to convey certain property to the Danville Junior College, Danville, Ill.; to the Committee on Government Operations.

By Mr. McCLELLAN (by request):

S. 3681. A bill to amend the act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. MCCLELLAN when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE (for himself and Mr. HARRIS):

S. 3682. A bill to amend title II of the Social Security Act to revise and improve the provisions thereof relating to the adjustment of overpayments and underpayments of benefits thereunder; to the Committee on Finance.

(See the remarks of Mr. MONDALE when he introduced the above bill, which appear under a separate heading.)

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Constitutional Amendments of the Committee on the Judiciary and the Permanent Subcommittee on Investigations of the Committee on Government Operations were authorized to meet during the sessions of the Senate today.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

ORDER FOR CONSIDERATION OF JOINT RESOLUTION DEALING WITH AIRLINE STRIKE AT CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business, Senate Joint Resolution 186, Calendar No. 1389, the airline labor dispute measure, be laid down and made the pending business.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

TRIBUTE TO MRS. MARY FRANCILLO FRAZIER, MOTHER OF THE SECRETARY OF THE SENATE

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate the death of the mother of our distinguished Secretary of the Senate.

Mrs. Mary Francillo Frazier, the mother of Emery Frazier, died last night at the age of 94.

I know that she was very proud of her son who has performed such outstanding service in this body for so many years.

To him I wish to extend my sincere regrets and deepest sympathy in his hour of sorrow.

UNFAIR COMPETITION ACT OF 1966

Mr. McCLELLAN. Mr. President, by request, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I introduce, for appropriate reference, a bill to amend the Trademark Act of 1946. This measure which is to be cited as the Unfair Competition Act of 1966 has been drafted by the National Coordinating Committee on Trademark and Unfair Competition Matters, composed of a number of bar and business associations.

The basic purpose of the legislation is to create a Federal statutory law of unfair competition affecting interstate commerce, within the framework of the Lanham Trademark Act of 1946. The bill would accomplish this purpose mainly by expanding section 43(a) of that act, which already creates a statutory claim for relief from false designations of origin or false representations as to goods sold in interstate commerce, to include other torts commonly recognized as part of the law of unfair competition. Relief against those torts would be available in accordance with the existing remedies now set forth in the Lanham Act.

I introduce this bill to facilitate study of this important subject. I have reached no final decision concerning its provisions. I invite those who are interested to submit comments to the Subcommittee on Patents, Trademarks, and Copyrights.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3681) to amend the act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, introduced by Mr. MCCLELLAN, by request, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADJUSTMENT OF OVERPAYMENTS AND UNDERPAYMENTS OF BENEFITS UNDER TITLE II OF SOCIAL SECURITY ACT

Mr. MONDALE. Mr. President, I introduce, for appropriate reference, on behalf of myself and Senator HARRIS, legislation to eliminate a legal roadblock which prevents payment of social security benefits owed to families of deceased beneficiaries.

Mr. President, there is an urgent and pressing need for this technical change in the Social Security Act. Under the law now in effect there are over 64,000 cases of underpayments pending which cannot be paid by the Social Security Administration. The law is inequitably drawn, and unless it is changed, thousands of survivors of social security beneficiaries will not be paid money that is owed to them.

Last year the Social Security Administration requested legislative authorization to pay amounts due a beneficiary at the time he dies because the provision in the law was ambiguous and had been subjected to various interpretations in the courts. During consideration of the Social Security Amendments of 1965, which included the medicare program, the Senate Finance Committee adopted an amendment very similar to the one I am proposing today. This provision was passed by the Senate, but was significantly changed in the conference committee. The law as enacted has been extremely difficult to administer, as is evidenced by the very large number of cases in which payments have not been payable, and the cases are increasing at the rate of about 2,000 a week.

Under present law, where the amount owed to a deceased beneficiary at the time of his death is equal to 1 month's social security benefit or less, it can be paid to the surviving spouse who was living with the deceased beneficiary at the time he died. If the amount owed is more than 1 month's benefit, the underpayment can be made only to a legal representative of the deceased person's estate.

My bill would provide specific statutory direction for the Secretary of Health, Education, and Welfare to pay such amounts to the survivors in a simple manner. If the amount due is less than $1,000, which almost all such amounts are, the payment would be made in the following order of priority: First, to the

surviving spouse; second, to the surviving children, divided equally among them; third, to the legal representatives of the estate if one is appointed within 3 months of the decedent's death; and, fourth, to persons who are entitled under State law to inherit personal property from the deceased. If the payment is more than $1,000, it would be made only to the legal representative.

Under the best conditions, the requirement that the underpayment be paid to a legal representative is not only costly and time consuming but also in many instances it blocks payment entirely because the cost to survivors of claiming the underpayment through a legal representative often exceeds the underpayment itself. Forcing the widow or child of a deceased beneficiary to pay the expense of a legal representative and other probate and court costs is difficult to justify in view of the fact that the average of these underpayment amounts is about $100. About 35 percent of the underpayments involve amounts of $50 or less. There is no problem when the estate is one that would be probated anyway, but many social security beneficiaries have little or no assets and when they die the unpaid social security benefits constitute the entire estate.

The social security requirement that most amounts owed deceased beneficiaries must be paid to a legal representative is exceptional among benefit-paying programs. Distribution of amounts due but not paid to deceased civil servants, members of the Armed Forces, and veterans is governed by statutes setting forth priorities of payment. The Railroad Retirement Board pays such amounts first to the surviving spouse living with the decedent, and then on the basis of equitable entitlement to persons paying the decedent's burial expenses. Only the Social Security Administration is required to give such high priority to the legal representative.

Mr. President, the Social Security Administration is being besieged with complaints about this provision from all over the Nation because of the hardship it works on the families of deceased social security beneficiaries. In 1 week in January, 3,402 complaints were registered, including 333 from California, 300 from New York, 285 from Pennsylvania, 227 from Illinois, and 220 from Michigan.

But more important than the administrative problems is the inequity to the beneficiaries. I urge my colleagues to join with me in sponsoring this amendment, which will ease the burden facing thousands of older Americans when one of their loved ones dies.

In order for the Senate to have the opportunity to consider this legislation as soon as possible, I am introducing it not only as a separate bill, but also as an amendment to H.R. 15119, a bill to extend and improve the Federal-State unemployment compensation program. I understand that this bill will be on the floor shortly.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3682) to amend title II of the Social Security Act to revise and improve the provisions thereof relating to the adjustment of overpayments and underpayments of benefits thereunder, introduced by Mr. MONDALE (for himself and Mr. HARRIS), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 204(a) of the Social Security Act is amended to read as follows:

"(a) Whenever the Secretary finds that more or less than the correct amount of payment has been made to any person under this title, proper adjustment shall be made, under regulations prescribed by the Secretary, as follows:

"(1) with respect to payment to an individual of more than the correct amount, the Secretary shall decrease any payment under this title to which such overpaid individual is entitled, or, if such overpaid individual dies before adjustment is completed, the Secretary shall decrease any payment under this title payable to any other person on the basis of wages and self-employment income which were the basis of the payments to such overpaid individual;

"(2) with respect to payment to an individual of less than the correct amount, the Secretary shall make payment of the balance of the amount due such underpaid individual, or, if such person dies before payments are completed or before negotiating one or more checks representing correct payments, disposition of the amount due shall be made—

"(A) if the amount due exceeds $1,000, to the legal representative of the estate of such deceased individual, or

"(B) if the amount due does not exceed $1,000—

"(i) to the person, if any, determined by the Secretary to be the surviving spouse of such deceased individual;

"(ii) if there is no person who meets the requirements of clause (i), to the child or children, if any, of such deceased individual (and, in case there is more than one such child, in equal parts to each such child);

"(iii) if there is no person who meets the requirements of clause (i) or (ii), to the legal representative of the estate of such deceased individual; or

"(iv) if there is no person who meets the requirements of clause (i) or (ii), and, if at the end of the three-month period which begins on the date such deceased individual died, no legal representative of the estate of such deceased individual has been appointed, to the person or persons who would be entitled to share in the personal property of such deceased individual (if he had died intestate) under the laws of intestate succession of the State of residence of such deceased individual and in an amount or amounts determined pursuant to such law."

(b) Section 204(d) of such Act is hereby repealed.

SEC. 2. The amendments made by the first section of this Act shall take effect on the first day of the second month following the month in which this Act is enacted.

Mr. MONDALE. Mr. President, I also ask unanimous consent that a listing, by State, of the complaints received during one week in January 1966 by the Social Security Administration about underpayments that could not be paid, be printed at this point in the RECORD.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

The number of complaints in connection with the 1965 amendment underpayment provision received during the week of Jan. 7, to Jan. 13, 1966

State:	
Alabama	53
Alaska	0
Arizona	25
Arkansas	22
California	333
Colorado	3
Connecticut	48
Delaware	3
Florida	98
Georgia	102
Hawaii	4
Idaho	13
Illinois	227
Indiana	117
Iowa	54
Kansas	39
Kentucky	26
Louisiana	36
Maine	8
Maryland	79
Massachusetts	99
Michigan	220
Minnesota	35
Mississippi	25
Missouri	73
Montana	9
Nebraska	53
Nevada	8
New Hampshire	6
New Jersey	72
New Mexico	25
New York	300
North Carolina	52
North Dakota	19
Ohio	113
Oklahoma	47
Oregon	39
Pennsylvania	285
Rhode Island	37
South Carolina	19
South Dakota	15
Tennessee	79
Texas	185
Utah	24
Vermont	13
Virginia	76
Washington	63
Washington, D.C.	9
West Virginia	25
Wisconsin	78
Wyoming	4
Puerto Rico	5
Virgin Islands	0
Total	3,402

Mr. HARRIS. Mr. President, the legislation proposed today by my distinguished colleague from Minnesota [Mr. MONDALE] is necessary to correct a technicality in the present social security law which, in many cases, has prohibited the payment of money owed to the survivors of deceased social security beneficiaries.

Under the present law, where the amount owed to a deceased beneficiary is equal to 1 month's social security benefit or less, it can be paid to the surviving spouse who was living with the deceased beneficiary at the time he died. In every case, when the amount owed is more than 1 month's benefit, the underpayment can be made only to a legal representative of the deceased person's estate.

The Social Security Administration is not happy with this situation. In fact, they are distressed, and so am I, because it affords no alternatives or flexibility in making payments as the law presently

directs. As a result, the Social Security Administration reports over 64,000 cases of underpayments pending and unpaid. This represents approximately $6½ million which is lying in the U.S. Treasury—drawing interest—and which can not be released by the Social Security Administration without corrective legislation.

Senator MONDALE is proposing legislation which I believe will correct this inequity by providing specific statutory direction to the Secretary of HEW in the following manner: If the amount due is less than $1,000, the payment would be made first to the surviving spouse; second, to the surviving children, divided equally among them; third, to the legal representative of the estate if one is appointed within 3 months of the decedent's death; and fourth, to persons who are entitled under State law to inherit personal property from the deceased. If the payment is more than $1,000, it would be made only to the legal representative.

Senator MONDALE quoted an alarming number of complaints made to the Social Security Administration within 1 week last January. This included 47 complaints in Oklahoma, where, because there were no legal representatives of the various estates, payments could not be authorized to those who would inherit the personal property.

Typical of the case in which a relative of the deceased finds it impractical to undergo the expenses of being a court appointed executor of an estate, a constituent of mine recently wrote:

> We were forced to advance money to take care of my sister for a long period of time. Now there are urgent and pressing debts. The Social Security Administration doesn't seem to understand that I would have to pay an attorney's fee, court costs, and the advertising fee for notice to creditors. This would leave practically nothing from the check for $266.40 which is owed my sister.

The average unpaid social security underpayment is around $100 under the present system. Most, if not all, of this money is necessary to pay court costs and lawyer's fees in order to establish legal entitlement to the unpaid benefits. An example of this is well explained in the following letter from a constituent which I ask unanimous consent to have printed in the RECORD:

> DEAR SENATOR HARRIS: I want to remind you that there should be some way provided to cash social security checks of the deceased. It doesn't make very much sense to go to court to be appointed executor of an estate that doesn't exist so you can collect a check that you give to a lawyer to pay the court costs and lawyer's fees. I surely am not the only one that is in such a predicament.
>
> It seems to me that a simple affidavit signed by an Administrator of a rest home, Doctors, hospitals, or Directors of funeral homes would be proof enough that you were entitled to collect this money. I can't imagine that any one of them would sign a paper for some one that would not be responsible while they were living.
>
> For the ones that have an estate and have to go to court anyway, they have no problem, but for the ones that do not have to go to court, they have to turn their money back and they are the ones that need it the most.
>
> I signed hospital papers for my sister, also papers at the rest home as well as her funeral bill and I can ill afford to lose her check—yet it was due her, but I had to return it and now can't collect it because I am not court appointed.
>
> Yours sincerely,
>
> ——— ———.

Those who live on a fixed low income and desperately need this money to pay some of the outstanding debts of the deceased are forced, therefore, to forfeit the check. On the other hand, when there is an estate in question which necessitates a legal representative, there is usually adequate money available to pay the court costs of the estate.

I cannot believe that the original authors of the social security law intended for these payments, which represent money earned, and money owed, to remain unpaid. I therefore, strongly urge Congress to act favorably and approve this legislation before adjournment.

EQUITABLE TAX TREATMENT FOR FOREIGN INVESTMENT IN THE UNITED STATES—AMENDMENT

AMENDMENT NO. 717

Mr. DIRKSEN submitted an amendment, intended to be proposed by him, to the bill (H.R. 13103) to amend the Internal Revenue Code of 1954 to provide equitable tax treatment for foreign investment in the United States, which was referred to the Committee on Finance and ordered to be printed.

SETTLEMENT OF LABOR DISPUTE BETWEEN CERTAIN AIR CARRIERS AND THEIR EMPLOYEES—AMENDMENTS

AMENDMENT NO. 718

Mr. JAVITS (for himself and Mr. MORSE) submitted amendments, intended to be proposed by them, jointly, to the joint resolution (S.J. Res. 186) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes, which were ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. JAVITS, which appears under a separate heading.)

AMENDMENT NO. 719

Mr. MORSE submitted an amendment, in the nature of a substitute, intended to be proposed by him, to Senate Joint Resolution 186, supra, which was ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. MORSE, which appears under a separate heading.)

AMENDMENT NO. 720

Mr. DOMINICK submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 186, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 721

Mr. LAUSCHE submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 186, supra, which was ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. LAUSCHE, which appears under a separate heading.)

EXTENSION AND IMPROVEMENT OF FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM

AMENDMENT NO. 722

Mr. MONDALE submitted an amendment, intended to be proposed by him to the bill (H.R. 15119) to extend and improve the Federal-State unemployment compensation program, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF BILL AND JOINT RESOLUTION

Mr. MAGNUSON. Mr. President, I ask unanimous consent that at its next printing, the name of the Senator from California [Mr. KUCHEL] be added as a cosponsor of the bill (S. 2217) to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the national wildlife refuge system; and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the name of Senator MAGNUSON be added as a cosponsor of the joint resolution I introduced (S.J. Res. 85), proposing an amendment to the Constitution relative to equal rights for men and women, and that his name appear among the list of sponsors at the next printing of the joint resolution.

The VICE PRESIDENT. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 2, 1966, he presented to the President of the United States the following enrolled bills:

S. 2412. An act to terminate use restrictions on certain real property previously conveyed to the city of Kodiak, Alaska, by the United States;

S. 3249. An act to consent to the interstate compact defining the boundary between the States of Arizona and California; and

S. 3498. An act to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes between the States and Nationals of other States, signed on August 27, 1965, and for other purposes.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1385 and Calendar No. 1386.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF THE ORGANIC ACT OF GUAM

The Senate proceeded to consider the bill (H.R. 13298) to amend the Organic Act of Guam in order to authorize the legislature thereof to provide by law for the election of its members from election districts, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 10, after the word "members," to insert "to be known as senators,"; on page 3, at the beginning of line 4 to strike out "bill," and insert "Act,"; in line 9, after the word "provision," to insert "the method of electing"; and in line 10, after the word "this" to strike out "bill." and insert "Act."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1420), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 13298 is to amend the Organic Act of Guam (64 Stat. 384, as amended; 48 U.S.C. ch. 8A) to authorize the territorial legislature to provide by law for the election of some or all of its members by election districts.

NEED

The Organic Act of Guam gave that island a substantial degree of local self-government and made Gumanians citizens of the United States. It provided for a unicameral legislature composed of 21 members to be elected at large biennially in even-numbered years. The powers of the legislature extend to "all subjects of legislation of local application" not inconsistent with the provisions of the organic act and other laws of the United States which are applicable to Guam. The members of the present legislature come from two parties—the Territorial Party and the Democratic Party of Guam.

At the present time the urban centers on Guam are able to dominate the voting on an at-large basis, and some rural areas lack representation. Though there are 19 voting districts in Guam, the at-large election system often means that the successful candidates come from a limited number of parts of the island. From the first to the incumbent eighth legislature, the average number of districts from which candidates have been elected to office stands at 11. The present legislature is composed of members from only 10 of the 19 districts. Removing the election-at-large requirement of the present statute and permitting election by districts will allow the legislature to bring about the greater equality of representation which, the committee was advised, is very much desired by the people of Guam. It will, in addition, allow the voters of each district to concentrate on the merits and demerits of the candidates from that district instead of having to try to assess those of every candidate for every seat in the legislature.

A solution to a further problem identified with the at-large election of all members of the Guam Legislature will result from districting. Under the present system a slight shift in the attitude or reactions of the electorate can produce a great and perhaps unwarranted change in whole membership of the legislature. It is possible under the present system for 51 percent of the voters to elect all of the legislature. Districting, whole or partial, will reduce the likelihood of this occurring in the future and will make more likely continuous representation of the minority.

H.R. 13298 will, if enacted, permit the Guam Legislature to district the territory and apportion itself as it believes proper, subject to the provision that neither such districting nor such apportionment shall deny to any person in Guam the equal protection of the laws. Its requirement that every voter in every district shall be entitled to vote for the whole number of persons to be elected from the district at that election as well as the whole number of persons to be elected at large, if there are any such, is further assurance of the application to Guam of the "one man, one vote" principle.

Reasonable stability in the electoral process is provided by the prohibition against changing the manner in which members of the legislature are to be elected—that is, the distribution of seats between at-large members, if there are any, and district members—more often than once in 10 years. District lines will be subject to change from time to time to reflect population shifts.

Enactment of this bill will be another step in promoting the full political development of the territory of Guam.

AMENDMENTS

The committee has adopted four amendments, three of which are of a technical and clarifying nature. The fourth amendment provides that members of the Guam Legislature shall be known as senators, as is the case in the Virgin Islands Legislature.

AMENDMENT OF SECTION 8 OF THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

The Senate proceeded to consider the bill (S. 3080) to amend section 8 of the Revised Organic Act of the Virgin Islands to increase the special revenue bond borrowing authority, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 4, after the word "of", to strike out "all bonds or obligations which on original issuance shall have been purchased by the Government of the United States, and excluding"; after line 12 to insert:

(c) Delete the word "specific" wherever it appears in the first and second sentences.

And after line 14 to insert:

(d) Delete in the fifth sentence the words "shall be redeemable after five years without premium" and substitute therefor the following: "may be redeemable (either with or without premium) or nonredeemable".

So as to make the bill read:

S. 3080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(b)(i) of the Revised Organic Act of the Virgin Islands, as amended (68 Stat. 497, 500; 48 U.S.C. 1574(b)), is amended as follows:

(a) Delete "(1)" and delete "and (2) for the establishment, construction, operation, maintenance, reconstruction, improvement, or enlargement of other projects, authorized by an Act of the legislature, which will, in the legislature's judgment, promote the public interest by economic development of the Virgin Islands."

(b) Delete "$10,000,000" and substitute therefor "$30,000,000, exclusive of all bonds or obligations which are held by the Government of the United States as a result of a sale of real or personal property to the government of the Virgin Islands. Not to exceed $10,000,000 of such bonds or obligations may be outstanding at any one time for public improvements or public undertakings other than water or power projects."

(c) Delete the word "specific" wherever it appears in the first and second sentences.

(d) Delete in the fifth sentence the words "shall be redeemable after five years without premium" and substitute therefor the following: "may be redeemable (either with or without premium) or nonredeemable".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1421), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The basic purpose of S. 3080 is to increase the special revenue bond borrowing authority of the Virgin Islands for governmental water and power projects, and for limited expenditures for other governmental projects.

Section 8(b) of the Revised Organic Act of the Virgin Islands of 1954, as amended (68 Stat. 497, 500; 48 U.S.C. 1574) provides that the Legislature of the Virgin Islands may cause bonds to be issued under subparagraph (1) for specific public improvement or specific public undertakings authorized by an act of the legislature, and under subparagraph (2) for the establishment, maintenance, and improvement of other projects which will, in the legislature's judgment, promote the public interest by economic development of the Virgin Islands. The total amount of such revenue bonds which may be issued and outstanding for all such improvements or undertakings at any one time may not exceed $10 million. The bonds are to be redeemable after 5 years without premium.

S. 3080 would amend existing law so as to (1) preclude the issuance of bonds or other obligation for nongovernmental projects intended to promote the economic development of the Virgin Islands; (2) increase the outstanding revenue bond ceiling at any one time from $10 to $30 million; (3) exclude from the new bond ceiling these bonds or obligations which are held by the Federal Government as a result of a sale of property to the government of the Virgin Islands; (4) provide that not more than $10 million of such bonds or obligations may be outstanding at any one time for public improvements or undertakings other than water or power projects; (5) delete the word "specific" each time that it appears in the first and second sentences of section 8; and (6) provide that bonds may be redeemable (either with or without premium) or nonredeemable.

The first amendment provided in S. 3080 deletes the provision from the Revised Organic Act which permits issuance of bonds to finance nongovernmental projects for the economic development of the Virgin Islands. No such bonds have been issued, but at one time the territorial legislature authorized a bond issue for hotel and related economic development. The Governor did not issue the bonds, and litigation is now pending in the courts. The committee believes that this

type of financing is probably unwise and unnecessary. Repeal of this authority, however, is not intended to affect the outcome of the pending litigation.

The second amendment proposed by the bill raises the Virgin Islands bond ceiling to $30 million, to provide for present and future projects which will exceed the present $10 million limitation. Currently, obligations secured by revenues in the principal amount of about $6,440,000 are outstanding for water and power purposes, and additional revenue obligations in the principal amount of $1,600,000 are about to be issued for the financing of dormitory housing for the College of the Virgin Islands. These obligations total about $8,100,000, leaving an authorization of less than $2 million for new revenue financing under the present $10 million ceiling.

For power and water purposes alone, approximately $29 million in outside revenue-secured financing is estimated to be needed during the next 5 years in order to meet the average rate of growth in demand for electric power which has been experienced in the Virgin Islands during recent years. For the three islands—St. Thomas, St. John, and St. Croix—this growth rate is 20 percent, or almost three times the average growth rate on the U.S. mainland. Of this estimated total of $29 million, approximately $6 million in revenue financing is needed by September of this year for a new dual-purpose (water and power) plant for St. Thomas.

In addition to the revenue financing needed for water and power purposes, an estimated $5 million will be needed during the next 5 years for staff housing facilities for the new hospital centers in St. Thomas and St. Croix and for additional dormitory and other revenue-producing facilities for the College of the Virgin Islands.

Included in these projected financing needs is approximately $8 million for new water production facilities which can be financed either by the issuance of general obligation bonds under section 8(b)(ii) of the Organic Act or by the issuance of revenue bonds under section 8(b)(1). However, the issuance of $8 million in general obligation bonds for water purposes would—together with outstanding general obligation securities amounting to about $7,800,000—exceed the present general obligation bond ceiling of $14 million and, at the same time, foreclose general obligation financing for other necessary public purposes, such as the school and hospital construction programs.

In short, the increase in the revenue bond financing ceiling which S. 3080 would authorize is urgently needed to enable the local government to undertake self-liquidating projects.

COMMITTEE AMENDMENTS

The committee has adopted three amendments recommended by the Department of the Interior and the Bureau of the Budget. The first amendment would make bonds purchased by the Federal Government chargeable against the new bond ceiling, so as to discourage large-scale public financing of projects by the Virgin Islands. The second amendment would delete the word "specific" from section 8 so as to remove uncertainty about how detailed a project plan must be for passage by the Virgin Islands Legislature. The third amendment would delete the provision that bonds shall be redeemable after 5 years without premium, so as to increase the marketability of the bonds.

The need for the three departmental amendments is more fully explained in the departmental reports which follow.

HIGH INTEREST AND TIGHT MONEY

Mr. GORE. Mr. President, I have spoken many times against the hurtful effects of the Johnson high interest and tight money policy. I am most reluctant to attack the leadership of my own party on matters of this sort, but unless current policies are reversed, we face severe economic dislocations. Some of these dislocations are already in evidence, particularly in housing.

The home mortgage market clearly illustrates the problem. It is now completely demoralized, and homebuilding and related industries are in a dangerous position. Insufficient funds are going into savings and loan associations and other institutions customarily active in home mortgage financing. The stopgap measures which have been advocated by the Johnson administration to get more funds into savings and loan institutions are but pallid palliatives and, even if successful on the surface, would not touch the basic problems.

Housing starts in June were 18 percent below the level of a year ago. Completed homes are standing idle and empty. This is not the result of a housing glut. This is not the result of a lack of demand for decent housing. Far from it. We need much more housing than we have been getting during recent years, and we are now on the threshold of a new spurt in family formations as the huge baby crops of the late years of World War II and the immediate postwar years reach maturity.

The only reason we are not providing adequate housing today is that those who seek and need homes cannot borrow the money to finance a purchase on reasonable terms.

There are several facets to this problem, but for the moment I shall merely cite a few statistics to illustrate the unnecessary burden which is placed on the young couple purchasing a home.

A $15,000, 30-year mortgage, at 6 percent interest, requires a monthly payment for principal and interest in the amount of $89.94. Counting postage, this is a $90-per-month loan. On a similar loan at 4 percent interest, the payment is only $71.62.

Mr. President, some people may think that a difference of $20 a month in a payment on a small home is insignificant, but I suggest that it means a difference of whether or not a couple can own a decent home in which to rear their children.

Johnson interest rates are now higher than Hoover interest rates. We must go back 45 years, to the Harding administration, to find interest rates as high as the interest rates of the Johnson administration. They must come down. At present interest rates, a home purchaser must pay out $6,595.20 during the life of a $15,000 mortgage, for which he obtains no benefit.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may proceed for an additional 5 minutes.

Mr. GORE. I shall only require 2 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. GORE. Here is another aspect of this problem. Lenders generally require that purchasers have an income of about five times the amount of the monthly payment on a house. A young couple who could qualify for a $15,000 mortgage at 4 percent interest, but who are presented with a 6 percent take-it-or-leave-it mortgage, must go back to their rented room and wait until their income increases by about $90 per month before they can qualify for the higher interest rate mortgage.

Or, suppose this young couple, faced with the arrival of children, are so desperate for a house that they must buy whatever they can qualify to purchase. If they can pay only $71.62 per month for principal and interest, they could buy a house with a $15,000 mortgage at 4 percent interest. But if they must pay 6 percent interest, their mortgage cannot exceed approximately $12,000. In other words, they must settle for a house costing $3,000 less. If construction costs run about $10 per square foot, this means that they must settle for a two-bedroom house when they need, perhaps, four bedrooms.

Mr. President, Johnson interest rates must be brought down. If we are threatened with inflation, and I think we are, other actions must be taken which will remove some of the pressure from monetary policy. Action is needed; action in the public interest is needed; action in keeping with the traditions of the Democratic Party is imperative.

THE AIRLINES STRIKE

Mr. MONRONEY. Mr. President, the Senate should act without delay to pass legislation that will restore air service to the 60 percent of the country which has been denied it for over 3 weeks' time.

The long and drawn out efforts at collective bargaining have failed to bring about a settlement in an industry whose continued service is vital to our country's security and to the public interest of its people.

Two suggestions have been made by the members of the Committee on Labor and Public Welfare. Both of these suggestions one under order of the President, and the other under the order of the Congress, would return the workers to their jobs while the negotiations continue over a settlement of the wage dispute.

By taking up this legislation today the Congress can help to end the crippling effects of this prolonged strike and during the additional time provided by both bills encourage a final settlement that both union members and management can approve.

The failure of individual members of the International Association of Machinists to approve on Sunday the settlement which their leaders had recommended will, in the long run, work to the disadvantage of organized labor generally. The strike is adversely affecting not only the 35,000 IAM members, but it also is affecting countless thousands of workers in other industries serving the traveling public or relying on airline service. Hundreds of thousands of would-be passengers have been inconvenienced.

Thousands of business firms and hundreds of thousands of union employees of those firms are taking it on the chin. Congress cannot let these growing economic losses become an economic disaster.

I have a warm place in my heart for the unsung heroes of the aviation industry who keep the planes flying; who often have to work in the middle of the night to get engines back together on time; who have the unglamorous jobs that the average airline customer never sees. The fellows who get grease on their hands deserve a fair share of airline profits. This has been my position over the years in my dealings with the industry as chairman of the Aviation Subcommittee.

However, feelings of sympathy for some of these airline employees took a nosedive after the published reports of tactics used to encourage rejection of their own union leaders' recommendations. We are told that some members of the union here in Washington might have voted for the settlement but for the cries of ridicule hurled at those who openly sought to ratify the agreement. The cause of the IAM would be better served by leaving the name calling and mudslinging to less honorable organizations.

Free collective bargaining is a right and privilege which should not be abused. According to the press reports, the IAM reported that 17,251 of its members voted against accepting the proposed contract; 6,587 voted for it; and 11,500 members failed to vote. The total number voting against ratification therefore was less than half the total membership eligible to vote on the issue. I believe it is both a responsibility as well as a privilege for all members of the IAM to stand up and be counted on a matter of such consequence.

But that episode of this regrettable labor-management tangle is now history. Congress must now move quickly. This strike definitely represents a substantial threat to national security because of its ever more serious effects upon interstate commerce.

THE AIRLINES STRIKE—AMENDMENT TO SENATE JOINT RESOLUTION 186

AMENDMENT NO. 721

Mr. LAUSCHE. Mr. President, I send to the desk an amendment to Senate Joint Resolution 186. I spoke with reference to this amendment yesterday and I wish to do so briefly today.

As indicated, the measure deals with the airlines strike. The joint resolution reported to the Senate by the Committee on Labor and Public Welfare contains a provision that there may be, at a maximum, 180 days of negotiations. If at the end of those 180 days no settlement is reached, the status of the controversy occupies the identical position that it occupies today. No machinery is provided in the joint resolution for a final settlement of the dispute.

My amendment, Mr. President, would provide that after the 180 days have expired and no settlement has been reached, the President shall then be directed, at the request of either of the contesting parties, to appoint an Arbitration Board to consist of not less than five members.

This Arbitration Board shall have as membership a majority of persons who are representatives of the public, and an equal number of representatives to be assigned to the union and to management, respectively.

The Presidential Board so appointed is empowered to take testimony, make investigations, and to finally render a decision that would be conclusive and binding upon both parties in the dispute. The Board would be required to act within 60 days after the matter has been submitted to it for arbitration.

The finding of the Board, as I have said, would be conclusive and not appealable to the courts, except on the claim that there had been a noncompliance with the procedural machinery set forth in the joint resolution as a whole.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that I may proceed for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, I might be asked why I propose this method of finally disposing of the measure. In my judgment there must be firmness on the part of the Government in dealing with a dispute between management and labor that ties up the economy of the Nation in a substantial manner.

Why should we allow a situation to exist which, after 180 days of negotiation, added to the 25 days and more that have already taken place and no settlement has been reached, places the public in the position it was in when the strike started?

We should provide machinery that would definitely settle this dispute. Unless provision is made for final settlement, I submit that there is no incentive and no pressure upon either of the parties to act. They will be at work. The joint resolution provides that whatever settlement is reached, it shall be retroactive.

I repeat—what inducement, what incentive, what pressures are upon them to act, if they know that the eventual settlement will be retroactive?

The time has come when Congress should say, "We will see to it that this dispute will come to an end, and it will come to an end on the basis of fairness to both parties."

Mr. President, is there any precedent for what I am suggesting?

In the featherbedding argument of the railroads, no adjustment could be reached. The mediation boards made recommendations. Presidential boards also made recommendations, but no settlement could be reached. One party accepted the recommendation and the other did not. Congress finally passed a bill making arbitration mandatory after all the preliminary steps of negotiation had been completed. That is what my amendment would provide.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

AMENDMENT NO. 721

On page 4, between lines 6 and 7, insert the following:

"SEC. 5. (a) If agreement has not been reached prior to the date of expiration of the final period of time which the President has ordered pursuant to section 2 and a written request is made by either party to the dispute within fifteen days after such date, the Mediation Board shall immediately notify the President.

"(b) On receipt of a notice referred to in subsection (a), the President shall create a Presidential Board to investigate and decide such dispute. The Presidential Board shall consist of not less than five members, a majority of whom shall be public members appointed by the President (one of whom shall be designated Chairman), with the remaining members divided equally between and designated by the carrier or carriers involved and the representative or representatives of the employees involved. No member appointed by the President shall be financially or otherwise interested in any carrier or any organization of employees. If either party to the dispute shall fail or refuse to designate its members within one week following the appointment of the public members, the President shall appoint such members in the same manner as the public members were appointed. In the event any member of the Presidential Board is unable or unwilling to serve, his successor shall be appointed in the same manner in which he was appointed. Each member of the Presidential Board named by the parties to the dispute shall be compensated by the party naming him. Any member appointed by the President shall be paid reasonable compensation for his services in an amount to be fixed by the President, and shall be reimbursed for his necessary traveling expenses and expenses actually incurred while serving as a member.

"(c) The Presidential Board shall have power to conduct investigations and take testimony at any place within or without the United States. For the purpose of any hearing conducted by such Board, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49 and 50), are hereby made applicable to the powers and duties of such Board.

"(d) Upon the appointment of the Presidential Board, such Board shall promptly hold a public hearing of the parties with reference to the dispute and shall make and publish a report in writing with respect to the dispute which shall state the findings, conclusions, and decision of the Board on each of the issues involved on which the parties have not reached agreement. Such report shall be made within sixty days after appointment of the Board, except that the President, on good cause shown, may extend such period.

"(e) The decision of the Board shall be by a majority of the whole Board. The rates of pay or working conditions prescribed or approved by the Board in its report shall be just and reasonable and, unless set aside in judicial proceedings as hereinafter provided or changed by voluntary agreement of the parties, continue in effect until changed in accordance with the provisions of the Railway Labor Act. Such decision shall provide that the wage provisions thereof shall be retroactive to January 1, 1966.

"(f) The report of the Presidential Board and the transcript of the proceedings before it, including the evidence, shall be filed with the President and with the National Mediation Board. A copy of such report shall be furnished each party to the proceeding.

"(g) In the event of disagreement between the parties as to the meaning of the findings, conclusions, or decisions, or as to the terms of the detailed agreements or arrangements necessary to give effect thereto, any party may apply to the Presidential Board for a clarification of its report, whereupon the Board shall reconvene and shall, with or without a further hearing, promptly issue a further report setting forth its decision on each of the issues involved in such disagreement.

"(h) A report filed as herein provided shall, unless set aside in judicial proceedings as hereinafter provided, be conclusive and binding on the parties and enforcible by appropriate proceedings in the United States District Court for the District of Columbia, or the United States district court for any district in which proceedings of the Presidential Board were held, or the United States district court for any district in which any party is doing business.

"(i) Within thirty days after the filing of the report a petition to impeach the report may be filed in any United States district court mentioned in the next preceding paragraph by any party to said proceeding on any one or more of the following grounds of invalidity:

"(1) That the report clearly does not conform to the requirements laid down by this Act for such reports, or that the proceedings were not substantially in conformity with the Act, but no such report shall be subject to review on the ground that rates of pay or working conditions prescribed therein, if any, are not just and reasonable;

"(2) That the report does not conform to the issues in the controversy submitted to such Board;

"(3) That a member of such Board rendering the report was guilty of fraud or corruption in connection therewith, or that a party to such proceedings practiced fraud or corruption which fraud or corruption affected the report; or

"(4) That the report violates rights secured by the Constitution of the United States to any of the parties to the dispute or to any employees bound by the report therein.

"(j) No court shall entertain any such petition to impeach a report on the ground that such report is invalid for uncertainty; but such report may be submitted to the reconvened Presidential Board for interpretation as provided by this Act. A report contested as herein provided shall be construed liberally by the court, with a view to favoring its validity, and no report shall be set aside for trivial irregularity or clerical error, going only to form and not to substance.

"(k) If the court shall determine that the entire report is invalid on some ground or grounds designated in this section as a ground of invalidity, the court shall set aside the entire report; but if the court shall find that only a part of the report is invalid and if such invalid part is separable from the valid part the court may in its discretion set aside the entire report or set aside only the invalid part.

"(l) At the expiration of twenty days from the decision of the district court upon the petition filed as aforesaid, the judgment of the court shall be final unless during said twenty days either party shall appeal therefrom to the United States court of appeals. The decision of the court of appeals shall be subject to review by the Supreme Court upon writ of certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"(m) Upon the appointment of a Presidential Board under subsection (b), the period of time provided for in section 10 of the Railway Labor Act, during which no change except by agreement, shall be made by the parties to the controversy, or affiliates of said parties, in the conditions out of which the dispute arose, shall be reinstated and shall continue in effect until the Presidential Board shall have made its report and such report shall have become final and binding on the parties. During said period of time none of the parties to the controversy, or affiliates of said parties shall engage in or continue any strike or lockout."

On page 4, line 7, strike out "SEC. 5" and insert "SEC. 6".

On page 4, line 10, after "section 2" insert "or section 5 (m)".

On page 4, line 24, strike out "SEC. 6" and insert "SEC. 7".

On page 5, line 9, strike out "and 5" and insert "5, and 6".

On page 5, line 12, after "section 3" insert "and any decision under section 5 (e)".

On page 5, line 15, strike out "SEC. 7" and insert "SEC. 8".

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

PROPOSED FEDERAL BANK FOR RURAL ELECTRIC SYSTEMS

Mr. MOSS. Mr. President, there is growing misunderstanding about the intent and possible effect of the bill before Congress to establish a Federal bank for rural electric systems.

The purposes of the bill have never been more clearly and simply explained than in a letter written by Representative W. R. POAGE, of Texas, one of the chief sponsors of the bill in the House of Representatives, to a banker in his State who opposes the legislation.

Representative POAGE discusses with great reasonableness and admirable clarity the alternatives to a Federal bank, and invites suggestions. He touches also on the relationship of the rural electric cooperative to the investor-owned utility company, and how this might change should the cooperatives be denied the type of help they are seeking.

I ask unanimous consent to have the letter prepared by Representative POAGE printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES, COMMITTEE ON AGRICULTURE,

Washington, D.C.

DEAR CONSTITUENT: Let me thank you for your letter of recent date in which you express your opposition to the legislation which I proposed, and I take it to all similar legislation, which would gradually move the financing of our rural electric and rural telephone systems from direct 2% government loans to loans from a credit bank patterned after the farm credit institutions.

A number of bankers and power company officials have written me similar letters. I, of course, wish there was an opportunity to sit down and talk to each and everyone who is interested in this problem. Unfortunately, there is no such opportunity. I think that basically most of these letters, particularly those from bankers, are based upon their objection, not so much to the requirement that the rural electric and telephone systems should get their money from private rather than government sources, as it is to their objection to the cooperative system of doing business.

I know that there is much serious and even violent difference of opinion in regard to cooperatives. The pending bill makes no change whatever in the prerogatives and the duties of cooperatives. It does not attempt to decide whether they are good or bad. It recognizes the existence of cooperatives and deals with the situation as we find it. I think, however, in this connection that many of these letters indicate a serious misunderstanding of the present financing of rural electric and telephone systems.

The REA offers loans to cooperatives and to private stock [investor-owned] companies on exactly the same basis and for exactly the same purposes. It is true that there are a very few—I believe about 25—private power companies that have availed themselves of the opportunity to make these cheap loans. Whether this reluctance to use REA loans is due to the fact that the companies actually pass the cost of interest on to their customers or whether it is due to the fact that they do not want to accept the responsibilities of providing so-called area service to all in a service area, as is required of REA borrowers, I do not know, but I do know that REA loans are available to the private companies if they want them. Second about ¾ of all of the telephone loans are presently being made to privately owned stock companies rather than to cooperatives.

I think, therefore, that it is rather inaccurate and misleading to try to either support this legislation on the basis of one's like or dislike of cooperatives. Rather, I think the essential question is: Do we want to move the financing of these rural systems from the direct 2% government loans to loans made by a separate financing agency at a higher rate of interest?

For all of those who can pay the higher interest rate, I think the answer is clearly "yes". The legislation referred to would, if passed, for the first time in our history establish a policy of orderly transfer from dependence upon the government to dependence upon private resources. This is not a wild, untried, or visionary scheme. It is basically what has been done by the Land Banks for half a century. Every dollar of the original Land Bank stock was government money. Today there is no government money in the Land Banks. It took the National Farm Loan Associations, the local lending agencies, about 35 years to pay out this government stock. The Banks for Cooperatives, although established much later, have been paying out at a more rapid rate. Indeed, they have paid out almost ⅔ of the government stock in ten years' time and, as you know, the Houston Bank is completely paid out. The Intermediate Credit System has not moved so successfully but it has returned approximately 50% of the government capital.

Let us assume that these rural systems will not be as successful as any of the Farm Credit systems. Isn't it still wise to move in the direction of private ownership rather than to continue the policy of 100% government loans? And even though we can't remove all of the subsidy at this time, isn't it desirable to make a start toward reducing the subsidy? And certainly, this bill makes that start. I think that the direction in which one is traveling is often more important than is his location.

If we do not pass this bill we are not going to eliminate the REA system. It simply means that we will go on making a fight each year about how much government money we are going to put into the system. For the past several years we have been putting in a little more than $300 million a year. This legislation would put only $50 million a year into the stock of the electric

bank and every dollar of it would be from the repayment of outstanding REA loans, not new money out of the Treasury. In view of this I am somewhat at a loss to understand your statement that "the establishment of Federal banking for rural electric and rural telephone systems would be an erosion of private enterprise."

Surely, neither you nor any other commercial bank is financing the capital needs of our existing rural electric and rural telephone systems. Certain commercial banks are financing and will continue to finance the normal operating needs of these systems, just as they are other local business enterprises.

Of course, I am in no position to know just what information has been presented by those who oppose this legislation but apparently it must have been far from thorough.

You did not raise the question but several of my correspondents have, and I feel that there are at least two other items that must be considered.

The first relates to the nature of rural service. There are many who write me and say that since practically all of our homes are today electrified, there is no further need for REA and there should be no further loans. As a banker you are particularly aware of the fact that practically every line of business is finding it necessary to expand its capitalization. Most business institutions find it utterly impossible to continue to exist if they simply retain their existing size and make no effort to modernize, improve or expand their business to keep up with the customer demand. Certainly the electric business is no exception. The private power companies currently are making something like $5 billion a year in capital expenditures. This is just about the sum total of loans which has been advanced to REA cooperatives over a period of thirty years.

Obviously, these rural systems are going to have to modernize at at least the same rate that the larger privately urban systems are, and probably they must spend at least a larger percentage of their present valuation because of the very nature of their scattered customers—so I reach the inescapable conclusion that if we are going to maintain rural service which is comparable to the service provided in the cities, and I think we should, that the rural systems are going to have to have a substantial amount of new capital.

This raises the corollary question of the interest rates that these rural systems can pay and the obligation, if any, on the part of the government to assist or subsidize. Obviously, strictly rural service is not, in most cases, profitable. The power companies did not give any general rural service prior to the time the REA began making its loans. They did not consider it profitable. When the power companies did offer a competitive rural service, they were able to do so by adding any losses that they might sustain in rural service to the charges collected against their urban customers. Since most of the private power companies operate under exclusive franchises which give them a monopoly in about 99% of the more profitable areas of the United States, they are still able to do this, and I recognize that it can be argued that the way to get rural service is to have the power companies charge for service on what might be called a "postal" rate system—that is, the same rate in urban and rural areas regardless of the cost of supplying the power. This would, of course, effectively move the burden that is now carried by the taxpayers to the consumers of electricity in urban areas.

Frankly, in view of the ever-increasing political power of these urban areas, it seems to me to be rather unrealistic to expect governmental support of any such system. On the other hand, we cannot overlook the fact that while REA financed electric cooperatives sell only 6% of the electricity sold in the United States, they own and service 54% of the line mileage, and whereas the average privately owned utility has a customer density of about 34 customers per mile, the average REA financed cooperative has a customer density of only about 3.2 customers per mile. The figures for rural telephone systems are roughly comparable when compared with the patronage of the Bell system. To me this makes it absolutely clear that if we are going to continue to provide rural electric and rural telephone service that we are going to have to find favorable credit terms.

I have repeatedly asked those who object to this bill to suggest just what they would do. Most of the objectors preface their statement of objections by some declaration to the effect that "no living person is a greater friend of REA than I am but—". Very few, if any, of these objectors have even sought to suggest just how they would deal with the problem and yet I think it is clear that if they do not deal with it—that is, if we collectively do not deal with it, and if the rural electric cooperatives are denied the type of self-help which they are seeking, that they will become even more, not less, severe competitors with the private utilities, to the detriment of all concerned.

It is certainly true that if all subsidized financing were removed, some of the cooperatives would collapse. Some would be taken over by private systems. Some would simply disintegrate. Some would consolidate with their neighbors, and most of these consolidated groups, and many of the existing organizations, would immediately cast about for more profitable fields. It is true that as of any given moment the private utilities have their urban service protected against competition from these cooperatives by exclusive franchise, but over the nation these franchises are constantly coming up for renewal. Under the existing law and under the proposed bill the power companies are protected against any possible competition in all of the larger cities and against all practical competition in at least 98% of the smaller communities. If, however, these rural systems cease to become borrowers from the government or the government sponsored bank, there will be no restraint on their territorial operations except such as is imposed by local authorities.

Knowing American communities and American politics, don't you know, and doesn't every power official know, that this situation would cause friction in a thousand cities over the United States. Surely no responsible power official is naive enough to believe that he can take away the restraining influence of the governmental or governmentally sponsored credit without creating chaos in the matter of service in their urban areas. I believe that you will agree with me that this kind of cutthroat competition would be bad. I believe you will agree that it is desirable to move as much of the credit to these rural systems from the government to a credit bank which the rural systems will themselves ultimately own. I believe you will agree that it is desirable to begin reducing the subsidy as promptly as we can, and I hope you will agree that we should not deny subsidized credit to those rural systems that obviously cannot pay commercial rates and maintain their existence. The proposed legislation attempts to achieve these objectives and it proposes to do it by a method which has been tried successfully for more than half a century.

There are two other possibly relatively minor items that I think must be considered. The first is the charge contained in so many letters that the passage of this bill would "remove all congressional control" over the bank. I doubt that you would argue that the Federal Government has no control over national banks, and yet it does not name any of the directors or officers. So long as the Federal Government has any money in these banks it will participate in the management, and until a majority of the Federal investment is paid off it will have absolute control. Even down the line when all government money is out of the bank it will still be subject to the congressional power and Congress can, if it should provide, determine the purpose for which loans may be made, the size of the loans, terms, etc. Frankly, I cannot see how anyone who has read the bill can seriously urge this objection.

The second item relates to the fact that there are a great many people charging that this bill would provide seven and one-half billion dollars of interest free government money. Of course, this statement derives from the fact that the bill provides for $50 million per year investment by the government, which, over a 15-year period, makes $750 million, or exactly 1/10 of the amount usually mentioned. The bill also provides, as does the Farm Credit legislation, that the bank may issue debentures to ten times the amount of its capital. Incidentally, Federal National Mortgage Association legislation now pending would authorize FNMA debentures to 15 times the amount of the capital. It is then argued that since the government will guarantee these debentures that the government stands to lose $7½ billion. I think that we can only judge the future by the past. During the last 30 years REA has advanced loans of $5 billion and has suffered losses of only $47,000. Even if the loss ratio in the future were 10 times as much as it has been in the past this guarantee obligation of the government would be absolutely nil because earnings on the balance of the loans would far more than offset these losses.

It seems to me that these criticisms are thrown into the picture more for the purpose of creating prejudice than to contribute to the solution of a very real problem.

I make no claim that any of the proposals before the Congress are perfect. On the contrary, I invite constructive suggestions from all who want to offer them, but I again suggest, and I hope that you will agree, that those who oppose this approach should establish their sincerity by pointing out exactly how they feel we should finance the continuing development of our rural electric and telephone service. The Congress wants and welcomes advice and counsel from the electric industry, the banking industry and the rural systems but it does not propose to allow the power companies or any other group to simply exercise a veto over every suggestion that is made. We welcome participation in our councils but we feel there is an obligation to seriously counsel, not simply condemn.

As an illustration of what I think we have a right to expect from the opponents, let me point out that the original bill, while providing for the acquisition of stock by the local rural systems, did not, in the opinion of some of its critics, make sure that there would be a definite retirement of government stock equal to the amount of stock purchased. While I was not, and am not, sure that there was any legal merit to this position, I felt that we should be absolutely sure that this would be the case and immediately proposed an amendment to make it quite clear that such transfer must take place.

The private companies have long expressed criticism of the practice of lending money for building generating plants which they have at some later date stated were uneconomical. They raised the same objection in connection with this bill. As you are doubtless aware, I proposed an amendment, which is in the compromise measure, requiring that before any money can be loaned to build generating plants that there must be public invitations for competitive bids, and that no such loan can be made if it develops

that private companies actually offer to sell the power on the terms and at the location needed more cheaply than the power can be provided by a new plant.

I suggested these amendments not for the purpose of representing cooperative interests but because there seemed to me to be justification in the criticism. Personally, I would certainly accept any other amendments where the proponents or opponents could make what seemed to me to be a sound case, and I think that those who oppose the bill should be willing to approach it with the same willingness to accept those features which the rural systems can show are fair and needed.

I have gone into some detail because I believe you are seriously interested and because I respect your views. I know that you will give equal consideration to my views.

Thanking you, and with all good wishes, I am,

Sincerely yours,

W. R. POAGE,
Congressman.

TIME FOR TREASURY TO STOP ROADBLOCK AGAINST SBIC TAX INCENTIVES

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may be allowed to proceed during the morning hour for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, last Friday, the Subcommittee on Small Business of the Committee on Banking and Currency concluded 3 days of comprehensive hearings on the small business investment company program. I am chairman of that subcommitee, and chaired those hearings.

The Small Business Investment Act of 1958 established a program:

To stimulate and supplement the flow of private equity capital and long-term loan funds which small business concerns need for the sound financing of their business operations and for their growth, expansion, and modernization.

The act was the result of the some 30 years of study by various private and Government agencies as well as the Congress with respect to the financing needs of small business.

Mr. President, if I recall correctly, this was done by a Senator from Texas, now President Johnson, who was the author of that bill.

Our own Subcommittee on Small Business managed the legislation which culminated in the passage of the 1958 act in the 85th Congress, and it has conducted studies and hearings relative to the program in every succeeding Congress, recommending major amendments which were subsequently approved in the 86th, 87th, and 88th Congresses.

The hearings which we concluded last Friday were prompted by reports of "problem" companies in the program. Those reports prompted us to launch a searching inquiry into all facets of the program.

I am pleased to report to the Senate that our hearings produced dramatic and persuasive evidence of the essential soundness and value of the SBIC program. Testimony from witnesses representing the Small Business Administration and other Government agencies concerned with the program, spokesmen for the industry and small businessmen who have benefited from the use of SBIC funds demonstrated clearly that the SBIC's are indeed doing an effective job.

We heard testimony to the effect that some 20,000 small business concerns have received almost $1 billion in financing in the relatively few years since this pioneering program was launched. This billion dollars does not include hundreds of millions of additional bank credit for small business that SBIC loans have made possible.

As for the "problem" companies, I am confident that the Small Business Administration is determined and able to cope with them. But, as one of the witnesses testified, even if the "problem" companies are removed from the program, much, much more needs to be done by way of legislation to insure the long-term success of this pioneering effort in behalf of small business.

I am personally convinced of the great worth of this program and of the need for new and imaginative action on the part of the Congress and the executive branch to give the SBIC program the impetus it needs to accomplish the mission which we have assigned to it.

While SBIC financial assistance to some 20,000 small business concerns in a period of less than 8 years is highly commendable, this number is but a small fraction of the 4.5 million business entities in this country eligible for SBIC assistance and the vast numbers of small business concerns needing SBIC-type financing.

Our hearings have persuaded me that this program can achieve its great promise only if we, the Congress, help it in two important areas—tax incentives and additional leverage.

I shall speak of leverage at another time, but today I wish to speak particularly about the tax aspects of the SBIC program.

My colleagues will recall that the Technical Amendments Act of 1958 added three new provisions to the Internal Revenue Code, all with the avowed purpose of encouraging private investment in SBIC's. One of those provisions—section 243(a)(2)—gave SBIC's a 100-percent dividends received deduction on dividends received from small corporations from which they purchased stock. Normally, a domestic corporation is entitled to a dividends received deduction of just 85 percent on dividends received from a domestic corporation.

Another provision—section 1242—gave stockholders in an SBIC an ordinary loss deduction, rather than a capital loss deduction, where they incurred a loss on the sale or exchange of their stock in an SBIC. The third provision added to the Internal Revenue Code in 1958—section 1243—gave the SBIC an ordinary loss deduction, rather than a capital loss deduction, where it incurred a loss on the sale or exchange of convertible debentures acquired from small business concerns financed by it, or where the loss was on stock acquired through exercise of the conversion privilege.

One other provision—section 542(c)(8)—was added to the code in 1959 in an effort to exempt SBIC's from the surtax on personal holding companies.

Of these four tax provisions, you will note that two of them are essentially negative, one is defensive in nature, and only one offers any positive incentive to private investors.

The provisions relative to ordinary loss treatment on SBIC stock and on SBIC losses on convertible debentures merely cushion losses incurred by stockholders and SBIC's. The personal holding company surtax exemption, admittedly deficient and ineffective, is purely defensive. The only positive incentive to private investors is contained in the provision permitting SBIC's a 100-percent dividends received deduction.

But the latter provision has been of very limited effect for the reason that dividends declared by small business concerns seeking SBIC financing are very meager and very infrequent. And by their very nature dividends will probably continue meager. Capital gains are likely to be the prime basis for SBIC gain.

One overriding conclusion I reached as a result of our hearings was that we must do more—much more—in the tax area if we are to encourage additional private investment in this program.

The disturbing fact is that despite the significant accomplishments of this program to date, this year 1966 has seen more private funds leave the program than come into it. We must reverse this trend promptly and drastically, and I am convinced that changes in the tax laws relating to SBIC's and their shareholders offer one of the most promising routes to this goal.

This brings me to one of the more disturbing aspects of our hearings: we were reminded that legislation seeking to improve the tax climate for SBIC's and their shareholders has been introduced in every Congress since the enactment of the Small Business Investment Act of 1958. But except for the 1959 provision purporting to grant an exemption to SBIC's from the personal holding company surtax, not one tax proposal has been enacted into law.

The distinguished Senator from Alabama, chairman of the Select Committee on Small Business—in my judgment, the ablest man in Congress in this field—and I am talking about the Senator from Alabama [Mr. SPARKMAN], sponsored S. 979 when it was introduced in the Senate on February 6, 1959.

He also sponsored S. 903 when it was introduced in the Senate in February of 1961. He also sponsored S. 297 which was introduced in the Senate on January 18, 1963, and in the present Congress, he is the sponsor of S. 1854.

Every one of these bills has represented the sound and thoughtful thinking of the distinguished Senator from Alabama, the membership of the Select Committee on Small Business, and industry leaders concerned with the success of the SBIC program.

It is a sad fact, however, that not one of these bills has been enacted into law.

One of the most discouraging aspects of our hearings was the testimony of a spokesman for the Treasury Department who told our subcommittee last Friday that while Treasury has been studying S. 1854 for many months, it has not yet taken a stand for or against the provisions of that bill. We were informed that the Treasury Department wants more evidence of the need for additional tax legislation and proof of the worth of the program.

I say the record of our hearings offers all the evidence needed by the Treasury or any other body concerned with the future of this most promising program. I say that the SBIC program has proven its worth, but that it needs major additional incentives to achieve its great promise, and that one area in which the Congress could act most effectively would be in offering positive tax incentives to SBIC's and their shareholders, both those now in the program and others we would hope would come into it, given meaningful incentives to do so.

S. 1854 is really a rather modest bill. It seeks merely to clarify the types of financing instruments on which SBIC's may establish bad debt reserves and seeks to correct the personal holding company surtax exemption which Congress sought to extend to SBIC's in 1959. Its one major proposal would permit all SBIC's, whether or not registered under the Investment Company Act of 1940, to elect to be taxed as regulated investment companies. Such companies can, of course, pass through their earnings to their shareholders without payment of corporate income tax. Mutual funds are the best known type of regulated investment company.

This incentive, if extended to all SBIC's, would no doubt encourage substantially greater private investment in this program. And Congress set that as one of its goals in launching the SBIC program in 1958.

S. 1854 would also permit an SBIC to be a shareholder in a subchapter S corporation, thus enabling SBIC's to extend their financial and management assistance to an important area of our economy.

I say that S. 1854 is a modest bill. I say that Treasury should have concluded its study of the bill and made a report to the Congress many months ago. I am asking the Secretary of the Treasury to let me have the views of his Department on that bill at the earliest possible date.

I earnestly hope that the Treasury Department will find it agrees with the bill or at least suggest amendments or modifications of the bill, or, it would be better even to say that it opposes it rather than say nothing, for then we could start to take action. For 6 long years the Treasury Department has refused to act. One of the urgent needs has been to provide equity financing for small business. Instead, small business has been standing still. All of us favor small business. All of us recognize the serious problems facing small business. The most serious handicap is inadequate capital. This bill proposes to remedy that. The proposal of the Senator from Alabama [Mr. SPARKMAN] is designed to accelerate it. I think the Treasury Department should act.

I expect to have other tax proposals at a later date to offer to the Senate in order to strengthen the SBIC program, but I am hopeful that with the cooperation of the Treasury Department, we may yet be able to enact much-needed tax legislation on behalf of SBIC's in the present Congress.

SCHOOL MILK PROGRAM PROGRESSES IN HOUSE

Mr. PROXMIRE. Mr. President, I was delighted to learn last Friday that the House Agriculture Committee had reported legislation extending the school milk program for 4 years. This provision was part of a larger child nutrition bill which is quite similar to the Ellender child nutrition legislation, S. 3467. However, there is this one important difference. The House bill, H.R. 13361, makes it crystal clear that the school milk program is not a part of the school lunch program but, rather, is a separate and distinct entity.

Similar legislation was ordered reported by the House Committee on Education and Labor. Once again the legislation makes it clear that the school milk program is to continue to exist as a separate entity.

However, the fact that two similar bills have been acted upon by two House Committees raises the danger that a jurisdictional fight will develop. I sincerely hope that this jurisdictional question will be resolved so that the House can act quickly on a school milk program extension. School administrators as well as parents and children all across the country are eagerly awaiting Congress' final word on this important issue.

THE AIRLINES STRIKE

PRIVILEGE OF THE FLOOR

Mr. PROXMIRE. Mr. President, I ask unanimous consent that additional staff members of the Committee on Labor and Public Welfare may have the privilege of the floor during consideration of Senate Joint Resolution 186.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. Mr. President, the airline strike is now in its 26th day. The damage which has been inflicted on our economy is incalculable. When we inquire about the amount of damage being done, it is almost impossible to ascertain it. The interest of the general public, which is of paramount importance, is seriously affected. In the public interest and the interest of the parties to the dispute it is essential that Congress take affirmative action to settle the pending strike without passing the "buck" to the President.

I was personally disappointed with the resolution which came from the Labor and Public Welfare Committee, for it seemed to me to take a hide-and-seek approach to this emergency. As a matter of fact, it seems to me the resolution tries to take the responsibility which is that of the Congress and transfer it to the executive branch of the Government.

As we look at the resolution, it states that Congress finds and declares that emergency measures are essential to the settlement of this dispute, and so forth.

Then in section 2 it makes it discretionary on the part of the President as to whether he wants to invoke the authority granted by the resolution. In other words the authority is entirely permissive. Let me quote from page 2 of the report which states as follows:

> The authority vested in the President by this resolution is entirely permissive. The President is not required, nor is he necessarily expected, to exercise that authority.

The President, both under the National Labor Relations Act, and the Railway Labor Act, is vested with discretionary authority.

I ask, What answer is this that has been brought to the Senate by the committee?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SMATHERS. Let me finish this thought, and then I shall be glad to yield.

This matter is before the Congress of the United States because the Constitution of the United States provides that Congress has the power to regulate interstate commerce. We ought to do it. We ought to affirmatively deal with an emergency which substantially threatens interstate commerce and deprives any section of the country of essential transportation. We know we have the power to do it. By the resolution we are trying to abrogate what is our constitutional responsibility and let it be decided by the President. It seems to me that we are the ones, as the representatives of the people, the only spokesmen for the people, who should act on the matter. However, I hope the distinguished Senator from Oregon [Mr. MORSE] will offer his resolution, known as the Morse resolution, which seeks to bring about what I think provides for a realistic settlement of the dispute.

Now I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, the State of Louisiana has not been injured by the strike nearly as much as have the States of Florida and Hawaii, among others. It seems to me if we are to make this our responsibility, we ought to vote on it or leave it. I am not happy to vote to force laboring men to go back to work when they do not want to; but if we must do it, then let us do it. If we do not want to do it, vote against the resolution, rather than throw a hot potato to the President and expect him to take care of the situation when it is not the authority and responsibility of the President to do so.

When the people of my State ask whether I voted to end the strike, I would prefer to be able to say that I either did or did not. I would not like to say: "I passed the buck to the President, talk to him."

Mr. SMATHERS. I agree 100 percent. After 26 days, the airline strike has injured the Nation. Let us not here today abandon our just responsibility by transferring it to the President to exercise it for us. Let us give him a bill that provides for affirmative action in the settlement of this dispute. I feel confident he will join with the Congress and sign such a measure. In this way we maintain and preserve the separation of power concept of government.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield on that point?

Mr. SMATHERS. I yield.

Mr. KENNEDY of Massachusetts. The fundamental question is whether a national emergency exists. I know that 85 percent of passenger air transportation service to my own city of Boston has been disrupted because of this strike. I am aware that the vacation industry of my State, which is our third largest industry, has been hard pressed as a result of this strike.

I am sympathetic with the question raised by the Senator from Florida and his references to the tremendous losses that have taken place. But one of the basic questions raised in the committee over the last 5 days was whether this strike constituted a national emergency. On that very point, the Secretary of Labor, in testifying, questioned whether there was a national emergency. At the same time the distinguished Senator from Oregon [Mr. MORSE] modified his resolution to apply section 10 of the Railway Labor Act, because the administration had not stated that there was an emergency.

Mr. SMATHERS. Mr. President, may I respond to that particular point?

Mr. KENNEDY of Massachusetts. Yes.

Mr. SMATHERS. In the resolution reported by the Labor and Public Welfare Committee it is stated:

> The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

Mr. KENNEDY of Massachusetts. That is correct.

Mr. SMATHERS. In the report it is stated that the dispute, under section 10 of the Railway Labor Act, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service.

Mr. KENNEDY of Massachusetts. On that very point, as the Senator from Florida knows full well, this language is used in the Railway Labor Act, and is entirely different from the language which applies to national health, welfare, and safety in the Taft-Hartley Act, and focuses over definition of "national emergency."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY of Massachusetts. This resolution uses the Railway Labor Act language. That language has been applied 167 times since the enactment of the Railway Labor Act, saying that essential transportation service for a particular section of the country has been affected in such a way to merit the establishment of an emergency board under that act. We agree with that. That language has been put into this measure.

Mr. SMATHERS. May I ask the Senator from Massachusetts this question? Is it not a fact that we have a very serious situation, and we want it to end, and that Congress has authority to end it?

Mr. KENNEDY of Massachusetts. The statement of the Senator is eminently correct.

Mr. SMATHERS. Then I ask the Senate, "Why do we not act?"

Mr. KENNEDY of Massachusetts. I would point out to the Senator from Florida that the proposed legislation reported by the committee is consistent with the legislative procedures that have been followed in these matters by Congress over the years. Traditionally we have given the power to the President to call emergency procedures into play when he determines there is a national emergency. It is not the Senate which has exercised that authority in the past.

Mr. SMATHERS. Congress can declare a national emergency at any time. The Senator is incorrect about that.

Mr. KENNEDY of Massachusetts. That would be an extraordinary exercise of legislative power. Under the Taft-Hartley Act and under the Railway Labor Act, the President of the United States has the authority. I ask the Senator from Florida if he does not agree on this point——

Mr. SMATHERS. No, I do not agree.

Mr. KENNEDY of Massachusetts. I ask him if he will not agree on this one point: With all the available resources which are available to the President of the United States, understanding the demands and the disruption which are evidenced in Florida and which are evidenced in Massachusetts, and the effects on national defense, the President of the United States is in the best position to determine when extraordinary action is needed. We can try to get the evidence before our respective committees, but we must rely on administration witnesses. And the Secretary of Labor was not prepared to state that there was a national emergency.

Mr. SMATHERS. My whole point is——

Mr. KENNEDY of Massachusetts. If the Secretary of Labor, with all the resources available to him, says there is not a national emergency, does not the Senator agree that it is not unreasonable for us at least to consider that statement as having some weight?

Mr. SMATHERS. Mr. President, I am not interested in what the administration is or is not doing. What I am interested in, and what I think we have got to do, is to face up to our own responsibility. Under the Constitution, Congress regulates interstate commerce. The Constitution gives us the authority and the right to declare a national emergency. We either have a national emergency now, or are about to have one. I think we are having one.

Again I ask the Senate, "Why do not we act?" We have the authority to do it. The time has come for us to do it. I say it is not right for us to take this hot potato and try to pass it on to the President. The situation is serious and we should face up to our own responsibility.

Several Senators addressed the Chair.

Mr. SMATHERS. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, if we are going to vote for something, I would very much dislike to vote for a resolution that says Eastern Airlines will fly to Miami, but not to New Orleans.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may have 2 additional minutes, 1 for the Senator and 1 for myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. It seems to me that if we are going to vote to end this strike, we ought to vote to end the strike, and if we are not going to vote to end the strike, we should vote not to end it. But I should hate to have voted for something, and then have somebody ask me, "What did you do? Did you vote to have the airlines fly from New Orleans to Washington, or not?" and have to say, "I do not know; what I voted to do was to throw a hot potato into the lap of the President."

Mr. SMATHERS. The report says that the President is not required nor is he necessarily expected to exercise this authority. It is purely permissive on the part of the President. If that is not throwing a "hot potato" into his lap then I am at a loss to clearly understand the action of the committee in reporting this type of resolution to the Senate.

Several Senators addressed the Chair.

Mr. SMATHERS. I yield first to the Senator from Oregon.

Mr. MORSE. Mr. President, I ask unanimous consent that the debate may continue for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I would not take the floor at this time, were it not for the fact that the Senator from Massachusetts [Mr. KENNEDY] has brought my name into the discussion. I shall answer the Senator from Massachusetts at some length this afternoon, as to the differences between my proposal and the resolution that he and the others who wish to pass the buck to the President of the United States are proposing, rather than assume what I consider to be their clear legislative responsibility here on the floor of the Senate.

It is true that I changed my resolution from what it was in the first place, from the use of the national emergency language of Taft-Hartley to the emergency language of the Railway Labor Act. But I would not wish what the Senator has said to imply that I do not think there is a national emergency. I have

said from the very beginning that there is a national emergency.

There is a national emergency, in my judgment, factually, under the definitive terms of Taft-Hartley, but that does not apply to the case at all, for the airlines do not come under Taft-Hartley, they come under the Railway Labor Act. But there is an emergency under the provisions of the Railway Labor Act, which deals with this question of fact, "Is there a substantial interruption of essential transportation in various sections of the country?"

There is no question about it. The precedents are legion.

But let me say that I, too, am at a loss to understand the report, and I am at a loss, and have been from the beginning to understand why Senators do not wish to pass legislation to order this strike brought to an end, in the interest of the party that now has become the most important of all three parties in this dispute—the public.

When we are dealing with a regulated industry—and they do not like to talk about this, may I say respectfully—an industry on which the taxpayers have spent hundreds of millions of dollars to provide the work opportunities for these men in the airports that they have built, and to provide the private enterprise opportunity for the carriers, the public are entitled to some consideration in regard to this interruption of essential transportation into various sections of the country. That is what we are dealing with here.

Of course, when the President signs a bill, he joins with Congress, then, in a measure such as I shall propose to end the strike. Why does not Congress wish to join with the President in passing a resolution which, before it becomes law, the President will have to sign, in which Congress votes to end the strike, and, if the President signs it, the strike will be ended?

Unfortunately, it is close to elections, and—speaking very respectfully—we have some Senators and Representatives who say, "Oh, no, the President is not a candidate in 1966, but we are."

What is that a surrender to? To certain men now sitting in the gallery listening to this debate, the labor lobbyists, who have brought forth a labor lobby against Congress the like of which I have not seen in my 21 years of service here. I have never surrendered to them nor to any other lobby, and I do not intend to surrender to them today. I intend to continue to support the public interest. That is the way to be fair to the workers in this industry.

I repeat, if we pass legislation in which Congress assumes its responsibility and does not pass the buck to the White House, and the President signs that legislation, then the President and Congress will join as partners—as they should—on such legislation to bring this strike to an end, protecting these men for a fair settlement, and giving them retroactivity when they finally reach a collective bargaining agreement.

That is the issue before Congress, and the senior Senator from Oregon does not intend, in the debate that will take place this afternoon, to let the opponents ever get away from that issue.

Several Senators addressed the Chair.

Mr. SMATHERS. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, the Senator from Florida has asked the question, "Why do we not act?" There has been no answer given to that question, except what the Senator from Oregon has just said. I think it is obvious that we are hesitating and refusing to act because we have a fear of fulfilling our responsibility.

It is simple to find excuses when we do not want to act. One excuse for our failure to act is that we are not confronted with an emergency affecting the national interest. I cannot subscribe to that excuse. It is a convenient one. It is advocated for the purpose of avoiding the fulfillment of our responsibility.

I subscribe to what the junior Senator from Florida has said. I am not overly concerned whether the White House is fulfilling its responsibility.

Our concern should be over whether we are prepared to fulfill our responsibility or whether we are prepared to cringe on the floor of the Senate in abject surrender, lying face downward because we fear to fulfill our responsibility.

I believe that we are faced with a national emergency. The economy is affected. It is our responsibility to act in the interest of the people of the United States, and I contemplate doing that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RUSSELL of Georgia. Mr. President, I ask unanimous consent that the Senator from Florida and other Senators who wish to debate the question may have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, the Senator from Florida has spoken very well and I am sure, correctly concerning the airline dispute, and how it affects his own State. I realize that it has a most deleterious effect in Florida and in many other areas of the country.

What proportion of intercity passenger and freight traffic would have to be affected, for a strike to be called a national emergency or a threat to the national interest?

Mr. SMATHERS. Mr. President, I am not able to answer that. I do not even want to speculate.

We saw what the stock market did on yesterday. We know what our general economy is. We know that if there has ever been a time when a strike of this character—has dealt a solar plexus blow to our economy, bringing increasing unemployment, and a continuous downward trend of almost every economic indicator, it is now. This strike is hurting us throughout the whole Nation. Of course, it hurts Florida very badly. Let me also point out that more than 150,000 travelers and 4,100 flights a day have been affected. Two hundred and thirty-one cities in the United States have had their air service limited. Seventy cities have no commercial traffic at all. All this adversely affects allied industries and business in the United States. The situation grows worse with each passing hour.

I believe I am safe in saying that there are between 50 to 100 million people who are adversely affected. It does not involve merely the 17,000 machinists who voted against this settlement which had been offered to them. Approximately 35,500 machinists were on strike, but only 17,000 of them voted not to accept what had been offered. Seventeen thousand people are literally bringing to their knees 50 to 100 million people.

The taxi drivers, the restaurant owners, and the gasoline men have been affected by this type and character of strike.

The Senator talks about Rhode Island. It may be that they do not have any particular problems concerning the Allegheny Airlines flying there. However, they are still very adversely affected. People cannot get from Alabama to Rhode Island this year. There is no way to get them there by air. However, that is not the point. The main point is that the entire Nation is adversely affected by this strike.

If the Committee on Labor and Public Welfare had an opportunity to say yes or no with respect to the national emergency, why did the Secretary of Labor say that the situation is approaching a national emergency? He said that certain conditions indicate that it is almost a national emergency. I could not tell whether he was on or off the point, but he was very close to it.

The fact is that he did say several days ago, when he first testified, that if the conditions continued for 2 or 3 days longer it would be a national emergency. The situation has continued and the time has come for us to act.

Mr. PELL. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. PELL. Mr. President, just to place the information in the RECORD, the fact is that 96 percent of the people moving between cities are moving as they always have; 99.9 percent of intercity freight is still moving.

When the Secretary of Labor came to us yesterday, several days after his first appearance, he still testified that the Nation was not in a national emergency situation.

What we are talking about here is the enactment of legislation which would send men back to work against their will with the threat of a jail sentence or a fine if they do not comply. The Senate has not done this since 1917. This indeed is very heavy medicine.

I submit that this particular strike is not as serious an inconvenience to people as other strikes have been. This strike has inconvenienced the articulate, the formers of opinions, Members of Congress, and industrial leaders. Indeed, we are most aware of the situation. Granted general vacationers are also put at a disadvantage. But there was a bus strike which affected far more people; and a strike in the shipping industry which affected a greater segment of our economy.

This is the area in which we are remiss. The Congress should consider legislation of a general nature, as called for by the administration, to handle problems such as this.

Mr. SMATHERS. The Senator forgets one point. I do not like to mention it, but my son has returned from 2 years in Vietnam. He is having a hard time getting to the east coast because of the airlines strike. I presume thousands of others are in the same situation. There are all kinds of interruptions in the plans of people. That is not good, particularly when we have the machinery to get the problem settled in a very effective impartial, and objective manner.

The fact is that the board called in to hear the testimony investigated the strike and notified the President that in its judgment this dispute threatened to substantially interrupt interstate commerce so as to deprive the country of essential transportation service The collective bargaining process broke down. It is now time under such conditions for the Congress to take effective, affirmative action to settle the dispute and in so doing not "pass the buck" to the President of the United States. Let us discharge fully our own responsibilities. I am confident the President will discharge his.

Mr. President, I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, the Senator from Rhode Island said that nothing like this has happened since 1917. That particular strike took place in 1916. The court decision was in 1917. Congress acted before the court decision.

When there was a threatened railroad strike we went even further. When there was a threatened railroad strike in 1963, we passed legislation that prevented them from striking. We did not even wait for them to strike. That was even stronger action.

It has been said that there is no precedent. I want to say that the action taken by Congress in 1963 was even stronger than the proposal we are making today. The 1963 legislation prevented the strike.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that the Senator from Rhode Island be given 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I have made my point. I thank the Senator from Oregon. He is the Senator who gave me the information concerning the railroad labor dispute in 1916 and 1917. I should have used the correct year, because he was my tutor in the beginning.

Mr. KENNEDY of Massachusetts. Mr. President, the Senator from Oregon is too good a lawyer, I believe, to parallel the situation in 1963 and the situation that is before Congress at this time.

The action taken by Congress in 1963 was the result of a Presidential message which was extremely clear and outlined that the health, welfare, and safety of the Nation was in jeopardy if no action was taken by Congress.

To the contrary, in the present situation, the President has not made that case.

The Senator is not the best one to make a statement concerning the transportation problems between Alabama and Rhode Island. There is only one person who knows and who can quite rightfully say. That is the who has the benefit of all the information that has poured into the offices of the Secretary of Labor, the Secretary of Defense, and the other agencies. They are the people who can best determine what constitutes a national emergency.

There was a dialog earlier with respect to the opinion of the Secretary of Labor. I should like to read from the supplementary statement presented to the committee, in which he said:

> The question is whether to take away from one union, because of its intransigence, the right to strike which is the traditionally recognized means of all labor's enforcing its collective bargaining demands. That right would be worthless if it could be exercised only when a majority of the public agreed with what the union was seeking.
>
> Once—and only once—in the past 20 years, since World War II, has the right to strike been denied by a special law because a union's bargaining demands were considered unreasonable, and its threat to the public interest too great. That was in 1963 when a complete paralysis of the Nation's railroads was imminent.
>
> This isn't that kind of situation.

I believe that that opinion by the Secretary of Labor is extremely important, and should be considered by the Members of the Senate.

Mr. MORSE. I should like 5 minutes to reply.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I say to the Senator from Massachusetts that irrespective of what my legal abilities may be, on this matter I am on completely sound ground, because he is quite mistaken as to what happened in 1963.

In 1963, Congress did not follow the President of the United States. In 1963, Congress did not adopt the recommendations of the President. In 1963, the President recommended something quite different from what Congress did.

On the very day that the Senate took its action, I offered, at the request of the President of the United States, his program as a substitute for what was being proposed by Congress. I did this on August 27, 1963.

The President told me that morning that if the majority leader and I were the only two men who voted for his proposal, he wanted his proposal offered. We offered his proposal, and as I recall, approximately 15 Senators voted for it.

The President of the United States did not propose arbitration for the settlement of that dispute. The President did not favor compulsory arbitration for the settlement of that dispute. He had an entirely different program. I offered it and was defeated. I believe we made a great mistake in not following the proposal of the President in 1963.

The point I wish to make is that today we have a situation in which there is a strike, and in 1963 there was only the threat of a strike. It is true that in 1963 the President believed that the strike should be averted. He made a proposal which in essence would have put the matter before the Interstate Commerce Commission, for the Interstate Commerce Commission to consider it and to have jurisdiction over it for a period of time. The Senate rejected that proposal, and itself decided that it ought to take the matter into is own hands and vote for acceptance of its program.

So that I am at a loss to understand why the Senator from Massachusetts believes that the only one in this country who is capable of determining whether or not an emergency exists is the President of the United States. Congress has a clear responsibility, if it decides that the situation is serious enough to bring a strike to an end, to render that judgment, and it is competent to do that.

Mr. KENNEDY of Massachusetts. There is no question that Congress has both the authority and, under the Constitution, the power——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Massachusetts?

Mr. MORSE. I yield. The Senator can use my time.

Mr. KENNEDY of Massachusetts. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY of Massachusetts. I do not dispute the presentation or the representations of the Senator from Oregon that Congress has the power to enact legislation this afternoon. There is no question about that.

The point which is fundamental to my earlier remarks is that the President of the United States made representations to Congress, in a special message, that there had to be action, quite clearly, because the health, welfare, and national security of the United States were threatened.

All I need do is refer to the CONGRESSIONAL RECORD of the day, and in this particular message the President said:

> The national defense and security would be seriously harmed. More than 400,000 commuters would be hard hit.
>
> The Council of Economic Advisers estimates that by the 30th day of a general rail strike, some 6 million nonrailroad workers would have been laid off in addition to the 200,000 members of the striking brotherhoods and 500,000 other railroad employees—that unemployment would reach the 15-percent mark for the first time since 1940—and that the decline in our rate of GNP would be nearly four times as great as the decline which occurred in this Nation's worst postwar recession.

The President went on to say in summary:

> In short, the cost to the national interest of an extended nationwide rail strike is clearly intolerable.

Mr. President, this is exactly the kind of representation which was made in 1963, and Congress acted then, and it decided in its own good course which kind of action it would take. These kinds of representations have not been made in this instance.

All we need do is refer to the statements of the Secretary of Labor before the Committee on Labor and Public Welfare, on the two occasions he appeared, and we will find that he did not make this kind of case.

I believe that the President of the United States, quite clearly—to reiterate what I mentioned before—can make these determinations, can make these findings of fact, and can make these representations to the appropriate committee and to Congress. To date, they have not felt inclined to do so.

I do not question that Congress has the authority and the right. As a matter of fact, in a dialog with the Secretary of Labor, Senator JAVITS said:

Well, Mr. Secretary, I must say that leaves us very much in the air. When the President had a railroad strike threatened, he sent us a message and he asked for legislation. Now, he is either asking for it now or he is not, or he is neutral or something, and I think we as Senators should know what he is.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. MORSE. Does the Senator believe that the President will be neutral if, after legislation has been passed based upon the resolution I have offered, the President signs it? Does the Senator believe he would be neutral then? He is joining with us, as a partner, and we ought to be a partner with him, and not put the President off all alone to make the decision as to whether or not the strike should be ended.

If the President does not believe the facts warrant ending the strike, after we pass the resolution, then he will not sign it. There is that check. I was under the impression that we had a system of checks and balances.

METAL AND NONMETALLIC MINE SAFETY ACT—RESOLUTION BY INTERNATIONAL ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS

Mr. JAVITS. Mr. President, on July 28, 1966, the International Association of Governmental Labor Officials met in New Orleans. Officials representing the departments of labor of 35 States attended, and voted unanimously to urge the Congress to accept the State plan provision included in H.R. 8989, the Metal and Nonmetallic Mine Safety Act, as it passed the House—substantially the same provision which I offered as an amendment and which was defeated on the Senate floor by only one vote.

Mr. President, for the information of Senators—and particularly those who may be appointed conferees on this bill—I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS, RESOLUTION NO. 3, METAL AND NONMETALLIC MINE SAFETY

Whereas, the United States Senate and the United States House of Representatives have approved variant versions of H.R. 8989 entitled: Federal Metal and Nonmetallic Mine Safety Act;

Whereas, such act is designed to require the United States Secretary of the Interior to develop and promulgate safety standards for the protection of life, the promotion of health and safety and the prevention of accidents in mines and to enforce such regulations in all mines within the United States;

Whereas, many of the states in which mining is a significant industry have already enacted laws and promulgated regulations which provide for a broad scope of protection of most of the employees engaged in mining within such states, which laws and regulations are usually enforced by a sufficient number of trained inspectors;

Whereas, the version of H.R. 8989 which was passed by the House of Representatives provides in Section 13(b) thereof that the Secretary of the Interior shall approve the plan of a state which desires to assume responsibility for the development and enforcement of health and safety standards in mines located in such state whenever such state plan meets specified criteria relating to the substance of such state's safety laws and regulations, to such state's enforcement procedures, and to the provision by such state of appropriate reports to the Secretary;

Whereas, the version of H.R. 8989 which was passed in the House of Representatives also provides in Section 13(d) thereof that the refusal of the Secretary of the Interior to approve a plan submitted by a state shall be subject to judicial review provided, however, that the findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive;

Whereas, the version of H.R. 8989 which was passed by the House of Representatives further provides in Section 13(e) thereof that the regulations promulgated by the Secretary of the Interior shall not apply within a state the plan of which has been accepted nor shall the Secretary of the Interior enforce the statute within such state (Section 4);

Whereas, the version of H.R. 8989 which was passed by the Senate also provides in Section 16 thereof for the Secretary of the Interior to approve a state plan which satisfies specified criteria relating to such state's procedures for the enforcement of national safety standards and to the provision by such state of appropriate reports to the Secretary, but does not recognize the substance of such state's safety laws and regulations, does not provide for judicial review of the refusal of the Secretary to approve a state plan, and requires the Secretary to inspect mines within states in which a state plan has been approved, except, in the absence of an emergency, that he shall not inspect such a mine unless a state inspector participates in such inspection;

Whereas, the version of H.R. 8989 which was passed by the Senate would undermine the substance of the mining safety laws and regulations and the enforcement practices of states which are engaged in protecting employee health and safety in mines, and would subject the mines in such states to duplicate inspections by state and national inspectors;

Whereas, the version of the bill which was passed by the House of Representatives would preclude duplicate inspection of mines, maintain the integrity of the mine health and safety plans of states which have effective plans and would assure national standards and national enforcement in states which do not have effective plans;

Whereas, a Conference Committee is being appointed to resolve the differences between the versions of H.R. 8989 which have passed the House of Representatives and the Senate: Now, therefore, be it

Resolved, that this Association affirms its preference for the version of H.R. 8989 which was passed by the House of Representatives, with specific reference to Section 13 of such bill; and respectfully urges upon the Conference Committee of the United States Congress the adoption of Section 13 of the House of Representatives version of H.R. 8989 or language substantially similar to that section; and requests the Secretary-Treasurer of the IAGLO to transmit to the members of the Conference Committee a copy of this Resolution.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a list of the State representatives who attended the meeting of the International Association of Governmental Labor Officials.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

REGISTRATION LIST, 49TH ANNUAL IAGLO CONVENTION, NEW ORLEANS, LA., JULY 25, 1966

Alabama: Mr. Arlis R. Fant, Director, Department of Labor.

Arkansas: Mr. Bill Laney, Commissioner, Department of Labor.

California: Mr. A. C. Roth, Chief, Farm Labor Services, Department of Industrial Relations.

Colorado: Mr. Albert S. Mangan, Member, Industrial Commission; Mr. Walter W. Johnson, Member, Industrial Commission; Mr. Richard E. Moss, Secretary, Workmen's Compensation Division.

Connecticut: Mr. Renato Ricciuti, Commissioner, Labor Department.

Delaware: Mr. Joseph A. Bradshaw, Chairman, Department of Labor and Industrial Relations; Mr. Harold T. Bockman, Speaker of the House, Delaware; Mr. Joseph A. Reese, Chief of Wage Collection.

District of Columbia: Mr. Richard R. Seideman, Executive Secretary, D.C. Min. Wage Board; Mr. Charles F. Wilson, Employee Representative, D.C. Minimum Wage Board; Mr. Edward J. Austin, Employer Representative, D.C. Minimum Wage Board.

Florida: Mr. Charles Harris, President, Florida State Federation Labor Council, AFL–CIO; Mr. Walter L. Lightsey, Member, Florida Industrial Commission.

Georgia: Mr. L. C. Butcher, Fiscal Officer, Department of Labor.

Hawaii: Mr. Alfred Laureta, Director, Department of Labor & Industrial Relations.

Idaho: Mr. W. L. Robison, Commissioner, Department of Labor.

Illinois: Mr. John E. Cullerton, Director, Department of Labor.

Iowa: Mr. Dale Parkins, Commissioner, Bureau of Labor.

Kansas: Mr. Leonard R. Williams, Commissioner, Department of Labor.

Kentucky: Dr. Carl Cabe, Commissioner, Department of Labor; Mr. James H. Sandlin, Director, Labor Standards; Mr. Leonard J. Dunman, Director, Division of Occupational Safety; Mr. Murray E. Combs, Executive Assistant to the Commissioner.

Louisiana: Mr. Curtis C. Luttrell, Commissioner, Department of Labor; Mr. Eugene Guillot, Jr., Deputy Commissioner; Mrs. Lazell James, Administrative Assistant; Mrs. Sarah Goostree, Secretary.

Maryland: Mr. Bill Welch, Deputy Commissioner, Department of Labor and Industry.

Massachusetts: Mr. Rocco Alberto, Commissioner, Department of Labor and Industries.

Michigan: Mr. Thomas Roumell, Director, Department of Labor.

Missouri: Mr. Jim Butler, Chairman, Industrial Commission.

New Hampshire: Mr. Robert Duvall, Commissioner, Department of Labor.

New Jersey: Mr. Raymond F. Male, Commissioner, Department of Labor and Industry; Mr. George D. McGuinness, Chief Fiscal & Personnel Officer; Mr. William J. Clark, Director, Wage and Hour Bureau.

New Mexico: Mr. John F. Otero, Labor Commissioner, Labor and Industrial Commission.

New York: Dr. M. P. Catherwood, Industrial Commissioner, State Department of Labor; Mr. Carl J. Mattei, Director, Division of Industrial Safety; Mr. Ralph Vatalaro, Jr., Director, Public Relations; Mr. Dan Daly, State Department of Labor; Mr. Jerome Lefkowitz, Deputy Commissioner; Mr. W. W. Motley, Consultant.

North Carolina: Mr. Frank Crane, Commissioner, Department of Labor.

Ohio: Mr. William O. Walker, Director, Department of Industrial Relations.

Pennsylvania: Mrs. Marjorie Tibbs, Director, Bureau of Women and Children.

Rhode Island: Mr. John J. Hall, Director, Department of Labor.

Tennessee: Mr. W. H. Parham, Commissioner, Department of Labor; Mr. Paul Phillips, Assistant Commissioner of Labor.

Texas: Mr. Charles H. King, Jr., Commissioner, Bureau of Labor Statistics; Mr. A. V. Fletcher, Administrative Asst.; Mr. Tommy V. Smith, Chief Deputy, Bureau of Labor Statistics.

Utah: Mr. John R. Schone, Commissioner, Utah Industrial Commission.

Virginia: Mr. Edmond M. Boggs, Commissioner.

Washington: Mr. Harold J. Petrie, Director, Department of Labor and Industries; Mrs. Maxine Daly, Commissioner, Employment Security Department.

West Virginia: Mr. Lawrence Barker, Commissioner, Department of Labor; Mr. Walter L. Snyder, Director, Division of Employment Standards; Mr. Curtis I. Yago, Director, Division of Safety, Department of Labor.

Wisconsin: Mr. Gene A. Rowland, Commissioner, Ind. Commission of Wisconsin; Mr. Douglas N. Ajer, Director, Division of Labor Standards; Mr. Russell Berg, Deputy, Division of Labor Standards.

Wyoming: Mr. Paul H. Backman, Commissioner, Department of Labor and Statistics.

UNITED JEWISH APPEAL DINNER IN HONOR OF PRESIDENT ZALMAN SHAZAR OF ISRAEL

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD certain speeches by the President of Israel, Zalman Shazar; the general chairman of the national United Jewish Appeal, Max M. Fisher, of Michigan; and Gov. Nelson Rockefeller, of New York, at a dinner given by the United Jewish Appeal of Greater New York and the National United Jewish Appeal for the President of Israel last night at the Plaza Hotel, at which my colleague the Senator from New York [Mr. KENNEDY] and I had the privilege of being present. This great dinner was addressed also by Monroe Goldwater, of New York, president of the United Jewish Appeal of Greater New York.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

ADDRESS BY MAX M. FISHER, GENERAL CHAIRMAN, UNITED JEWISH APPEAL, AT UJA DINNER IN HONOR OF PRESIDENT ZALMAN SHAZAR, OF ISRAEL, PLAZA HOTEL, NEW YORK, MONDAY EVENING, AUGUST 1, 1966

Mr. President, Mrs. Shazar, distinguished representatives of the U.S. Government, of Israel, of the State of New York, fellow officers and friends of the United Jewish Appeal, and honored guests: It is with a deep sense of privilege—and the warmest feelings of personal friendship—that I open this meeting.

On many occasions, Mr. President, you have welcomed most of us in this room to Israel.

You have received many of the leaders of the United Jewish Appeal individually, and you have received large groups of us on missions—at the Bait Ha-Na-See, the house of the President in Jerusalem.

Every visit we have ever made with you has been an unforgettable occasion for each one of us.

It was made memorable—first of all—by the warmth of your reception.

For myself, I will never forget meeting with you as I was about to assume the general chairmanship of the United Jewish Appeal.

You noted then that you were not only interested in assisting UJA in any way possible—as a matter of principle—but that you felt you had a special obligation to help me because we were practically "mispocha." . . . Since my father had emigrated from the region of Minsk to go to America . . . even as you did, to go to Palestine.

But in addition to the warmth of your friendship we remember our meetings with you for other things—for the wisdom of your words and for the wonderful sense of history which surrounds such an occasion on meeting you.

Each one of us has felt privileged knowing that we were doing something that Jews before us were unable to do for twenty centuries.

We knew that we were standing in pride and in honor with a head of state—a President—of a reborn sovereign and independent, Jewish state.

Having been your guests then—having enjoyed your great hospitality—it is with the greatest pleasure that we welcome you and Mrs. Shazar as our guests to this great city and State of New York—and to the United States of America. We have followed your visit to the Western Hemisphere with genuine interest.

We have noted with pride and satisfaction how cordial the response has been of the peoples you have visited—to Israel—and to you, personally.

We are sure that your journey has already provided you with many treasured memories.

But it is our heartfelt hope that this meeting and your stay in this great country will be the most memorable part of your visit.

Mr. President, I will not have the pleasure of introducing you to this audience this evening. That honor will go to a great leader of UJA and the Jewish community of this city.

But before we reach that introduction, I think it would be most appropriate if I introduced this distinguished audience to you. I wish that I could introduce each individually, but let me say—simply and directly—that they are a most remarkable group of Americans and Jews.

They are here because they are leaders—men and women of heart and action. But more than this, they are here because each has been filled with a deep love of his people, and each has caught a personal glimpse of a great vision.

In our long history, we Jews have produced many men who have used their abilities and their means to advance the welfare of both mankind and their fellow Jews.

But I think it can be said that the great events and upheavals of our times have produced a whole generation of such men, and these are some of the leaders of that Jewish generation. I say "some of the leaders" because there are several thousand other similar leaders who would have wished to be here tonight.

These are men who have exhibited their leadership in many ways—in great causes for the American general community—in building our American Jewish life, building local Jewish communities and in assisting in the advance of Israel, through Israel bonds, economic development, and many other ways.

But above all, the men and women present have all contributed to the development of that remarkable and inspiring movement—called the United Jewish Appeal.

Mr. President, I know that you are familiar with the main facts about UJA. You are aware that it was formed on the eve of World War Two in a desperate hour to help save the Jews of Europe threatened by Hitler.

You know, too, that it represented an alliance of great institutions in American Jewish life, of the joint distribution committee, which has helped to save literally millions of Jews since world war one, and the United Israel Appeal, which has long served to promote the settlement and upbuilding of Palestine, and since 1948—of Israel.

You are familiar with the fact that in 1946 American Jews—through the United Jewish Appeal—raised $100 million to save the survivors of the concentration camps—the first $100 million in a year ever provided by a single group, in a single year, acting voluntarily.

You are aware too, how American Jewry, mobilized by the UJA, stood with the people of Palestine, in meeting crisis on crisis, for our people abroad. How—in a small way—we were able to help bring about that great day in 1948 that saw Israel reborn. How we have since helped to bring a million and a quarter immigrants to Israel and how we have helped in many other ways to speed the remarkable development which has taken place in Israel in 18 short years.

In this room there are men and women who have been a part of the UJA since it was founded nearly 30 years ago. There are other men who have taken up the challenge of UJA from wonderful fathers who were once our leaders. And there are still other men who have grown to manhood in that time, who rallied to UJA as they took their place as leaders in our community.

What is remarkable is that the UJA—after nearly 30 years—is still the great rallying point of American Jewry, and the American Jewish leadership. These men who have been the heart of the UJA movement have received no special honors. Year after year they have given with a generosity that has aroused the admiration of the entire American community, and has made possible, the raising of more than $1½ billion.

And they have given also of their time, their energy, and their leadership, and above all, gotten others to do the same.

What has motivated them? What has caused them to assume the leader's role? As I see it, Mr. President, they have been moved by a deep sense of responsibility for their fellow Jews.

They were determined that Hitlerism should not mark the end to the great and noble story of the Jew. They believed that Jewish lives were as precious as any other lives—and that if no one else would save them, they would.

But in addition to this, Mr. President, I believe there came a time when each man here caught a glimpse of a special vision.

Each saw, each came to believe, that out of the tragedies of the distant past and the great tragedy of the more immediate past, when we saw 6 million jews killed by Hitler, there could come a new beginning, a new day, for our people—and that ours was the generation chosen to bring this about.

Yes, each man here dared to think with you in Palestine, that ours was a chosen generation, that in our time we could end age-old suffering and bring light, where there was darkness. They have had their reward, Mr. President, we have all had it.

We have had it in the knowledge that there is a state of Israel, proud, and strong, and forward looking.

We have had it in the daring of Israel's pioneers and leaders—in the heroism and the courage—of Israel's youth—in the continuing progress in the land—in the bright and sparkling faces of Israel's children unmarked by fear—in Israel's willingness to share her knowledge and know-how for the benefit of other peoples—in Israel's devotion to freedom, democracy, and human betterment.

Yes, we have had our reward in many ways that are meaningful and satisfying. Above all, we have had our reward and we still have it, in the knowledge that when the call came to us, as it came to you in Israel, we did not fail. With you we have saved Jewish lives. With you we have helped to restore the land and reopen the gates. With you we have helped to change the world, after 20 centuries, for those of our people faced with suffering and oppression.

And finally, we have our reward, in knowing that we shall go on doing these things with you—that these are the great tasks which it has been given us to do in our time—and in our generation.

With humility, with thankfulness, and with pride, we shall continue to do them together with you to the best of our ability.

TEXT OF REMARKS BY PRESIDENT ZALMAN SHAZAR OF ISRAEL AT THE DINNER GIVEN BY UNITED JEWISH APPEAL, PLAZA HOTEL, MONDAY, AUGUST 1, 1966

Mr. Fisher, Governor Rockefeller, Senator JAVITS, Senator KENNEDY, Ladies and Gentlemen:

I am most grateful to you for your invitation to be here with you tonight. During the few days which Mrs. Shazar and myself have spent in New York we have been shown every kindness and hospitality and we are deeply grateful.

Tomorrow I shall have the great pleasure of meeting with the President of the United States. I took forward to this opportunity to tell him how much we in Israel appreciate his leadership for the progress and independence of small nations.

You have made it possible for me now to meet representatives of the largest single community of Jews in the world, a community which, together with the free Jewish communities in other countries, has been playing a role of extraordinary significance in the history of our generation.

You here and the community we have created in Israel are the two forces which, in effective partnership, have made possible the resurrection of the Jewish people after the Nazi holocaust. Together we have endeavored not only to give the Jewish people a new lease on life, but to assure it of security and dignity for the future—to give Jews freedom to express their attachment to their people and to create in accordance with their tradition and their historic experience and needs.

You in the United Jewish Appeal in New York City and throughout the United States have been particularly concerned with the sacred task of helping Jews to transfer themselves from conditions of subjection, discrimination and fear, to conditions of freedom, above all in Israel.

None of the goals of this partnership have as yet been completely reached.

There are still many who yearn for freedom.

We cannot say that we have completed the central task of creating the cultural, religious and spiritual institutions which must take the place of the great centers of Jewish life so brutally destroyed in Europe.

Nor can we say that we have finished the job of absorption for those we have helped to bring to Israel. The initial steps of immigration and the provision of housing must be supplemented by thorough economic and cultural integration. Unless the new immigrant whom you help to bring and settle in Israel is not further helped to attain the skills and education and social services that will make him and his children rooted and creative members of the community, our pledge to the newcomer has not been honored and the future of Israel itself will be profoundly and sadly affected. This is a challenge to us all which I trust we shall be able jointly to meet.

Yet we cannot sufficiently emphasize that the last eighteen years have been years of great achievement for Israel. Hundreds of thousands of our people have been helped to live as free men should. We have created, I think, a firm and unshakeable foundation for cultural and spiritual progress. There are more schoolchildren in Israel today than the size of the entire population in 1948. These children are being given ever greater opportunities to educate and develop themselves as human beings and as Jews. We have been able to stimulate Jewish research and learning and attract to it fine young minds.

My long acquaintance with United States Jewry leads me to conclude that striking progress in cultural fields has been made here as well. I am particularly happy to have had the chance during my stay here of re-establishing personal contact with many of your religious leaders and cultural and literary figures. But it has been a matter of special satisfaction to me to learn that many more have gone to Israel for the summer and that I will be seeing them a week from now in Jerusalen. This is a practical indication to me of the extent of the partnership and interchange between us, in the area of Jewish religious and cultural development. I am sure that this is a partnership which is destined to grow even closer.

During the course of my life I have seen and experienced the great transformations and convulsions that have swept the Jewish people. There is much, very much, to remember that no longer exists. There is much to mourn. But it is easier to look forward to a bright future for the Jewish people in 1966 than it was in 1906 when I was a boy. It is easier to be confident about the future of Israel in 1966 than it was in 1924 when I first came there or than it was in 1947 and 48 when the world recognized our right to our modest place under the sun in our ancestral home.

None of this happened by itself: it was born of a need for freedom and of a determination to achieve it. The need continues, but I think that the degree of determination and of consistent practical effort has not weakened. Your presence here tonight in the cause of the United Jewish Appeal seems to me profoundly indicative of this.

We have not had an easy road in Israel these last eighteen years and we are still surrounded by openly expressed hostility. But we have grown in every aspect of our national life and in our capacity to defend our freedom.

May I in conclusion make this reflection. The first and immortal President of Israel, Dr. Chaim Weizmann, was in this city of New York as the major spokesman of our aspirations before the United Nations when, in 1948, he was elected the President of the Provisional Council of the newly proclaimed State of Israel. The second president of Israel, my life-long, unforgettable friend, Izhak Ben-Zvi, found refuge in this city in the early days of World War I when he was exiled from the Land of Israel by its then rulers and he returned to our country as a soldier in the first Jewish Legion to be created in modern times. And now I have the honor to be received by you as the third president of Israel. In this capacity I wish to convey to you my deep conviction that this partnership of the free forces in Jewish life, of which I spoke before, is destined to continue, ensuring the course of Jewish history and enriching the life of the whole world.

EXCERPTS OF REMARKS BY GOVERNOR ROCKEFELLER PREPARED FOR DELIVERY AT THE DINNER HONORING PRESIDENT SHAZAR OF ISRAEL, UNITED JEWISH APPEAL OF GREATER NEW YORK, HOTEL PLAZA, NEW YORK, N.Y., MONDAY, AUGUST 1, 1966, 6:30 P.M.

On behalf of the people of the State of New York, I bid you welcome, Mr. President—Shalom, Hanassi. We welcome you as a distinguished scholar and gifted writer; we welcome you as a revered philosopher; and, most of all, we welcome you as the leader of a young, vigorous and vibrant democracy that has captured the American imagination and won the American heart. I am also delighted to welcome Mrs. Shazar to our shores—for she is a remarkable woman, a true Israeli Halutza—a pioneer—and a fine author in her own right.

I'd like to point out, Mr. President, that you and I have a common responsibility. We are each accountable to about two and one half million Jewish citizens. And our nations are joined by so many bonds of humanity, history and common experience.

In the last century, an impassioned American poet proclaimed the promise of America to the world:

"Give me your tired, your poor, your huddled masses . . ."

These words of Emma Lazarus are engraved for all time on our Statute of Liberty in the Port of New York. In this century, they could emblazon the ports of Haifa and Jaffa just as well.

Both our nations—one of the world's oldest democracies and one of the world's youngest—have opened their arms wide to millions. As in the dreams of the Hebrew prophets, we have both been enriched by the gathering of the Exiles.

The more recent migration to Israel—still fresh in our minds—is one of the great, moving dramas of this age. Over a million people—a shattered remnant of the nightmare of Nazism—gathered at a small, barren and all-but-forsaken land. They came from over 70 nations. They took root alongside those who came before them. And just as in this country, the immigrant—by his sweat and by his toil, by his vision and by his creativity—helped to forge a new nation.

By these massive infusions of new blood, both our countries became half-brothers to the whole world—with something of almost every land to be found within us. In fact, long ago we almost became even closer.

One of my scholarly friends recently pointed out to me a fascinating footnote to American history. It seems that our Pilgrim forefathers seriously discussed making Hebrew the official tongue of the New World.

Other ties join us, but I want to mention just one more personal link between President Shazar and myself. Some years ago, Mr. Shazar had an able special assistant, a charming young Israeli woman by the name of Lea Ostrovsky Ben Boaz. On my own staff, I have an able Press Secretary in Leslie Slote. Today, the former Miss Ben Boaz is Mrs. Slote. All of which both Les and I regard as an extremely favorable U.S. balance of trade with Israel.

I would like to tell you of some thoughts I had when I received the kind invitation of the United Jewish Appeal to be here tonight. Two images flashed through my mind. The

first was of the Israel we know today: a nation that made the Negev bloom . . . a nation that swiftly created great seats of learning—the Hebrew University, the new Tel Aviv University, the Weizmann Institute and the Technion . . . a nation throbbing with industrial activity and new agriculture . . . a nation of refuge and new hopes for humanity. Then my mind rushed back to a time two brief decades ago when all this was only a dream . . . and the only realities were tens of thousands of displaced Jews herded into the camps of Europe—and off in the distance a strange, untried land. The United Jewish Appeal played a heroic role in joining these people with that land.

I remember going to Eddie Warburg back in those days when he was the UJA chairman. I felt very deeply that the task of resettling this exodus of homeless Jews was a challenge and responsibility not only of the Jewish community but of free men of all faiths. Therefore, I asked him if he would permit me to organize a Non-Sectarian Community Committee for the New York United Jewish Appeal. His response was immediate, and I was proud to have become its first chairman.

To me, the work of the Non-Sectarian Committee dramatized an enormously important principle. It demonstrated our conviction that all civilized men shared the duty of redressing the outrage committed against the Jewish people.

Israel succeeded. The UJA played its part in that success. And I am grateful to have had the chance of playing even a small part over the years. But there is one thing, Mr. President, that I assure you we understand only too well.

Israel was born and Israel prospers in a sea of deep hostility. And as long as fear and danger cloud the lives of your brothers, as long as help is needed, I know that the UJA, under your able chairman, Max Fischer, will keep open its lifeline to Israel.

But I would also like to see fresh, new initiatives emerge from Washington in pursuit of a true and lasting peace for your troubled corner of the world.

America must not let its vital and active commitment to freedom in other parts of the world obscure the dangers to the peace of the Middle East. The United States should and must exercise its full moral force within the United Nations to bring Arab and Jew together in lasting peace.

Mr. President, over 140 years ago a great American said, "I am happy in the restoration of the Jews." In the fullest sense, Thomas Jefferson's words were premature. But today his sentiment is echoed by Americans from coast to coast.

We are happy in the restoration of the Jewish homeland. We are thrilled to have witnessed its birth in our time. We are proud to have assisted its swift growth. And we wish you and your brave, young nation long life . . . prosperity . . . freedom . . . and peace.

EASE OF OBTAINING FIREARMS RESULTS IN SLAUGHTER

Mr. KENNEDY of Massachusetts. Mr. President, Charles Joseph Whitman shot 15 people to death yesterday, and wounded 32 others. There was no rational explanation for this senseless slaughter; it was the product of the maniacal impulse of a diseased mind. But Charles Joseph Whitman was not alone. He was aided and abetted by the system of laws in this county—a system which makes it ridiculously easy for any criminal, any madman, any drug addict and, indeed, any child to obtain lethal firearms which can be used to rain violence and death on innocent people.

When the police finally stopped this mad killer, they found next to him on the Texas tower an incredible array of deadly weapons: a 12-gage shotgun bought on credit at Sears, Roebuck that day, a 6-millimeter Remington magnum rifle, a .35-caliber Remington pump rifle, a .30-caliber reconditioned Army carbine, a 9-millimeter Luger pistol, and a .357-magnum pistol; also, two rifles and two derringer pistols were found in his home.

It may be, as some people argue, that if someone wants a gun badly enough he will be able to obtain it one way or another, regardless of the existence of laws regulating the sale of guns. But it seems obvious to me that we have a responsibility to do everything we can to minimize the senseless bloodshed and crime effectuated through these instruments of destruction. I know of no other civilized country in the world where it is as easy for the dangerous and misguided members of a society to obtain firearms as in the United States.

We are all familiar with the statistics of our failure: 200,000 victims of gun atrocities each year, and the crimes of violence committed with a gun every 2 minutes in the United States.

Decisive action to regulate and control the dangerous traffic in firearms is long overdue. The Senate Juvenile Delinquency Subcommittee, of which I am a member, has reported to the full Judiciary Committee a firearms control bill which would provide basic minimum controls over mail-order interstate traffic.

This bill is not a panacea, and it will have to be matched by responsible legislative action at the State level before truly effective gun regulation can be achieved. But this Federal action is clearly a necessary first step. Unless the Federal Government regulates gun traffic between the States, even strong State laws will be easily circumvented by gun traffic interstate. In 1963 alone, for example, over a million weapons were sold by mail order. In Massachusetts, which has strong gun laws, the traffic in guns cannot be halted because guns are easily purchased out of State. As a matter of fact, Commissioner Caples, of the Massachusetts Department of Public Safety, testified before our subcommittee that 87 percent of the concealable firearms used in crimes in Massachusetts came from out-of-State purchases.

Massachusetts cannot control this interstate traffic in guns, but the Federal Government can, and the Federal Government must, because such regulation is a precondition to effective State regulation, without which the grim statistics of death and destruction can only continue to mount.

It is well known that this legislation is strongly opposed by the National Rifle Association and other members of the gun lobby. I do not quarrel with their rights to express their opposition to this legislation, but I also do not believe that their opposition represents the best interests of this country or the wishes of the great majority of our citizens.

This legislation is supported by the President of the United States, by the American Bar Association, and by a host of religious and civic groups. It is given a high priority by the law enforcement groups throughout our Nation, and I think it commends the support of the great majority of the American people.

Senator DODD's bill, S. 1592, will be taken up by the full Judiciary Committee in the near future. I intend to work to see it is favorably reported by our committee and that it is enacted into law. We have heard from the lobby representing the gun manufacturer and the sportsman and the hunter. Now let us hear from the lobby of the American people, for those of us in Congress who are concerned about the need for effective gun control need their support in the fight which looms ahead.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield to the Senator from Florida.

Mr. SMATHERS. Mr. President, I wish to associate myself with the Senator from Massachusetts [Mr. KENNEDY] on this particular legislation.

I hope that this bill will be reported by the Committee on the Judiciary. It is long overdue.

I think that the unfortunate tragedy in Texas yesterday more than anything else points out the necessary of passing the bill.

Mr. KENNEDY of Massachusetts. I appreciate the comments of the Senator from Florida.

SENATOR MORSE CITES RECORD IN REPLY TO ARTICLE ENTITLED "HELL HATH NO FURY LIKE WAYNE MORSE SCORNED"

Mr. MORSE. Mr. President, I have received a copy of the publication, the Machinist, for August 4, 1966. The publication has an article under the heading "Hell Hath No Fury Like WAYNE MORSE Scorned."

I am sure that the machinists would want that in the RECORD. I am sure that no one in the Senate would think he was free to insert it in the RECORD because of the rules of the Senate, but I certainly would like to accommodate the machinists by asking unanimous consent to have printed in the RECORD at this point the article from the Machinist of August 4, 1966.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELL HATH NO FURY LIKE WAYNE MORSE SCORNED

The question has been asked a thousand times these past few weeks: What has happen to WAYNE MORSE?

The Senator from Oregon has been one of labor's heroes. With only the late Sen. William Langer of North Dakota beside him, he defied the steamroller that stamped the anti-union Landrum-Griffin bill into the law books.

In his 20 years in the U.S. Senate he has had scarcely a wrong vote in the Machinist's annual report card on Congress.

Last week, it was a new WAYNE MORSE who goaded the Senate, trying to ram

through an emergency resolution to break the solid airline strike.

Last month, Senator MORSE chaired the Presidential Emergency Board that recommended an unacceptable settlement of that dispute. When airline employees struck, rather than accept the Morse Board recommendations, he tried to declare a national emergency and force union members to accept his terms.

FIVE O'CLOCK SHADOW

Since the strike started, MORSE has risen in the Senate almost daily to denounce the union and the strikers and anyone who supported them. He has revived a technique he once used on behalf of Oregon's sheep raisers to break price control on wool. In the years after World War II, he became famous as the Senate's "5 o'clock shadow" for his late-afternoon speeches denouncing the Office of Price Administration.

Old timers report that in his bitterest moments he never treated the old OPA to such a bombardment of intemperate invective and insult as he has heaped on the airline strikers and their union officers.

MORSE began by calling the union leaders unpatriotic, charging them with failing to carry out their responsibilities to the troops in Vietnam. He has repeated the charge on several occasions despite the fact that Department of Defense officials were praising the union for continuing to service military flights without interruption.

At last week's Senate hearing, Secretary Wirtz testified that air movement of materiel and military personnel had actually increased during the strike.

To Senator MORSE, the strikers' failure to embrace his recommendations was "unconscionable," a "flagrant irresponsibility," an attempted "extortion."

One day on the Senate floor he described AFL–CIO President George Meany as one "who claims to be a labor leader."

Almost daily since the strike began, MORSE has questioned the competence, the sincerity, the emotional and mental stability of union negotiators.

It was Senator MORSE, not the President or the Department of Defense who decided that the airline strike had created a national emergency. Their testimony to the contrary did not influence him.

In the Senator's opinion, any settlement including a cost-of-living clause, hospital coverage for dependents, a company-paid pension plan, or a 10-cent premium for airline mechanics when they are using their Federal licenses would "lead the country over the brink into the bottomless pit of economic inflation."

In the last hysterical hours before the Senate Committee blocked his resolution, MORSE was charging that the union proposals would destroy the value of the dollar.

THE METAMORPHOSIS

Those who probe for reasons why Senator MORSE switched from labor's champion to strikebreaker say that the change has been coming on gradually for several years.

In foreign affairs, Senator MORSE has been moving steadily away from the AFL–CIO position.

MORSE has become an implacable critic of the U.S. foreign aid program which the Government has used to encourage and strengthen resistance to Communist aggression. MORSE even left last week's Senate hearing on his own resolution to vote against the Administration's foreign aid program.

The AFL–CIO has always supported the foreign aid program.

THE AGGRESSIVE DOVE

On Vietnam, Senator MORSE has been the most aggressive of the Senate doves, attacking U.S. military involvement in Southeast Asia. He has insisted that the job be done by the United Nations although the Hanoi government has spurned every effort of the UN to intervene.

The AFL–CIO, including the Machinists, has been outspoken in support of the President's policies of halting Communist aggression in Southeast Asia and elsewhere.

Coincidentally, two other Senate doves, BARTLETT of Alaska and CHURCH of Idaho, entered material in the CONGRESSIONAL RECORD denouncing the airline strike.

Labor's most serious break with Senator MORSE happened last month in the Oregon Senate primary. MORSE hand picked Howard Morgan, former member of the Federal Power Commission, for the Democratic nomination. The AFL–CIO and the IAM backed Rep. ROBERT B. DUNCAN. Morgan—and MORSE—were defeated.

Here too, the big issue was Vietnam, DUNCAN supporting the President, Morgan supporting MORSE.

Labor already misses Senator MORSE's able support. To his adversaries, the Oregon Senator has always been implacable and ferocious.

One thing is clear, Senator MORSE has won himself a whole new set of friends.

Mr. MORSE. Mr. President, I wish to say about the article that, as the headline would seem to indicate, the machinists have appointed themselves to analyze what they think my motives are. Of course, they know my motives are not what they attribute to me. This is what happens in a situation such as this.

This is really a disservice to the great record of the machinists for industrial statesmanship in labor disputes, for it is not like them to engage in this kind of character assassination.

They start out with the statement:

The question has been asked a thousand times these past few weeks: What happened to WAYNE MORSE?

Let me say to the machinists: Not one single thing has happened as far as varying from my 32 years of record in the field of labor relations, and my 21 years of record in the Senate. Whenever I have felt that any group in the country, be it labor or any group, was following a course of action that could not be reconciled with the paramount public interest I disagreed with them on the merits.

What has happened in this case is that I think the machinists are following a course of action which cannot be supported by the merits of the dispute, when we look at the paramount public interest. I intend, as I have in all of my public career, to place the public interest first and the labor lobby far down on the scale of importance.

WASHINGTON: THE DEADLOCK OF SUSPICION

Mr. CHURCH. Mr. President, the respected journalist, James Reston, writes in the July 31 edition of the New York Times that the apparent decision of the Government of North Vietnam to spare the captured American airmen has given new hope to those who advocate a de-escalation of the Vietnam conflict. Mr. Reston continues:

The opportunity exists on the larger question of a negotiated settlement of the war.

He makes perfectly clear both that it is a gross miscalculation for Hanoi to believe that the U.S. military presence can be removed from South Vietnam by force, and that it is error to think that the so-called "doves" in America can bring about such an American military withdrawal before negotiation.

I strongly endorse Mr. Reston's analysis, and ask unanimous consent that the article entitled "Washington: the Deadlock of Suspicion" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON: THE DEADLOCK OF SUSPICION

(By James Reston)

WASHINGTON, July 30.—After almost every war, the historians think they can identify a point where both sides had more to gain by compromising than by fighting. It may be that this point has now been reached in Vietnam.

In the First World War, the Allied powers were so convinced that the Kaiser was the ultimate enemy that they insisted on fighting on to a military victory, and thereby helped bring into existence two much more dangerous and formidable forces—the Nazis on the one hand and the Communists on the other.

In the second World War, this same determination to achieve a military victory, pursued in the name of liberty, resulted in the loss of liberty for various countries in Eastern Europe and the Balkans—the very places whose freedom was the primary aim of both world wars.

This is one of the major lessons of war in the 20th century. No matter how hard the antagonists have tried to anticipate, the consequences of war, the fighting has inevitably produced unexpected results beyond their control.

WASHINGTON'S REACTION

Washington has learned this lesson better than Hanoi. In fairness to President Johnson, he has tried to start the compromising process, but has been rebuffed so consistently that the fighting is again dominating the scene. The air war on North Vietnam was more severe in the last week than in any other week of the conflict. The Prime Minister of South Vietnam, General Ky, has started talking about either an invasion of North Vietnam or a very long war, and while it is easy to repudiate him, there is a certain tragic logic in his point that so long as the enemy has a jungle sanctuary in North Vietnam, bombing will not bring the conflict to a military conclusion.

The tragedy of this is that Hanoi now has a better chance of achieving its major objective by negotiation than it has by fighting, and does not seem to realize it. The major objective of both the North Vietnamese and the Chinese Governments seems fairly clear. They want all American military power out of Vietnam. No doubt they would like to establish a Communist regime in Saigon, but primarily they want to get rid of an air and naval force which could destroy every city in North Vietnam and Communist China, and even if their main aim is to communize South Vietnam, they still have to achieve the evacuation of the American forces in order to do so.

Hanoi has chosen to try to achieve this objective by force of arms rather than by negotiations, and this must be the worst political miscalculation since the Bay of Pigs. The United States is obviously not going to lose the first test of arms in its history to North Vietnam, of all places. China and the Soviet Union might compel a military solution by raising the cost beyond what Washington is willing to pay, but they are no more eager for a vast military test of strength there than the United States.

In this situation, North Vietnam has no hope of driving the American expeditionary force out of the country, but it could undoubtedly negotiate us out. The President has been quite explicit about this.

"We seek neither territory nor bases, economic domination nor military alliance in Vietnam," he said in his State of the Union Message in January of 1966.

"We seek no bases or special position for the United States," Secretary of State Rusk told the Congress on August 3, 1965. And dozens of similar statements have been made on behalf of the Washington Government ever since.

Hanoi obviously does not believe this. The officials there see the United States building an air naval base at Kam Ranh Bay that is the most modern base in Asia. They feel they were twice deceived by negotiation—once at the end of the Second World War, when the United States helped restore French power in Vietnam, and again at Geneva in 1954, when they thought the United States would keep its power out of Vietnam.

THE UNITED NATIONS

The United States could be held to its no-bases promise, however, by international supervision of a compromise settlement, and this is another of the mysteries of Hanoi's diplomacy. The U.S. has offered to bring the United Nations and the International Control Commission into the negotiations, but Hanoi has rejected both, apparently counting on the peace sentiment in the United States to force the withdrawal of the American expeditionary forces before it will talk.

This is undoubtedly a major blunder. All the doves in America, backed by political pressure for peace, cannot bring about such an American military withdrawal before negotiation. Hanoi misinterprets both the objectives and the influence of those of us who want a negotiated settlement in Vietnam. If its main objective is the withdrawal of American power from the country, it can get it by negotiation, supervised by the U.N. or some other international body, but it cannot compel withdrawal by force of arms or pacifist sentiment in the United States.

On the contrary, the longer the war goes on and the greater the American sacrifice in lives, the stronger the pressure will be here in the United States to justify the war by retaining precisely that American strategic presence at Kam Ranh Bay the Communists are seeking to avoid.

THE DOMINION OF FEAR

This is the tragedy of the war. Both sides are caught up in the dominion of fear—Washington in the fear of a Communist conquest of the peninsula and Hanoi and Peking in the fear of permanent U.S. bases that could dominate both North Vietnam and China. The problem is to break this deadlock of suspicion.

In recent days, a hopeful thing has happened in Vietnam. The Hanoi Government has listened to the appeals of the world to spare the captured American fliers.

The opportunity exists on the larger question of a negotiated settlement of the war. If Hanoi's objective really is to get rid of American power in Vietnam, it can undoubtedly do so in an internationally supervised negotiation. It cannot do so by counting on the force of arms or the force of peace sentiment in the United States.

A NEW CAMPAIGN TECHNIQUE

Mr. MUNDT. Mr. President, the Friday, July 29, edition of the Chicago Tribune reveals what is to say the least, an astonishing new technique for political candidates, a recommendation suggested by the Secretary of Agriculture.

In substance, what the Secretary is telling Democratic congressional candidates is that the best way to handle a difficult issue is to ignore it. "Just pretend that it isn't there" seems to be what he is saying about controversial issues such as inflation, according to this report by Chicago Tribune reporter Aldo Beckman, who quotes Mr. Freeman as saying:

Slip, slide, and duck any question of higher consumer prices if you possibly can.

I have no reason to doubt the accuracy of the statements attributed to Mr. Freeman, for, according to the article, the reporter, Mr. Beckman, was present for this conference, which was intended to instruct candidates in the techniques of how to win elections.

Mr. Freeman also has a suggestion on how to handle the housewives of America, who are up in arms because of the tremendous increases in the cost of living which have occurred in recent months.

While Mr. Freeman is quite right in saying that farm prices are not the cause of inflation, he expresses a wariness that congressional candidates should report this fact, unless, of course, they are confronted with a situation where "slip, slide, and duck" will not work and a candidate must state his position. Then, believe it or not, the spokesman for American agriculture believes it is appropriate to take the farmers' side.

Mr. Freeman suggests taking the farmers' side only if pressed to do so, and then because he also believes it is the easier course to follow, for the politically expedient reason that "housewives are not nearly as well organized."

To compound the confusion of Mr. Freeman's campaign suggestions, the Secretary attempts to explain his action in urging the Defense Department to quit buying pork.

Mr. Freeman said the controversy was a "complete bunch of nonsense," because his action "did not affect farm income one bit." However, the Chicago Tribune reports that Mr. Freeman said he asked the Defense Department to resume their pork purchases as soon as the market price dropped several cents. If his action did not have any effect on market prices, why did he bother to make his suggestion to the Department of Defense in the first place? And why did he later withdraw it?

I have no idea what the candidates thought after hearing Mr. Freeman's outline of how to campaign, but if they are not confused, I am certain the American farmers and the American housewives are confused over this latest effort to refuse to pin the blame of inflation exactly where it belongs: Administration spending policies which have resulted in a national deficit accumulation of about $30 billion in the past 6 years.

Mr. President, I ask unanimous consent to have printed in the RECORD this most interesting report on how to run for office without talking about the issues, and also an editorial on the same subject which was published in the Chicago Tribune on July 31.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, July 29, 1966]

LBJ AID WARNS CANDIDATES OF FARMERS' IRE—DON'T TALK INFLATION, FREEMAN ADVISES

(By Aldo Bechman)

WASHINGTON, July 28.—Secretary of Agriculture Orville Freeman has told Democratic congressional candidates at a closed briefing that they must overcome deep resentment against the administration in farm areas and should stay away from discussion of inflation.

"There is a reaction far deeper and more bitter than I could ever have anticipated" among the nation's farmers over recent remarks by administration officials concerning farm prices, Freeman told the candidates. "Farmers know what a tremendous minority they are and they are very sensitive."

Several weeks ago, President Johnson indicated that high farm prices were partly to blame for the increased cost of living and two days later, Freeman announced he was "pleased to report" that certain farm prices were down.

DIRECTED TO CONFERENCE

Both remarks triggered almost instant criticism from farm belt congressmen and from farm leaders thruout the nation.

A Chicago Tribune reporter listened in on Freeman's discussions with congressional candidates, after a girl, who was a staff member of the Democratic national committee, directed him into the room for a scheduled "news briefing."

The reporter was wearing a badge which had been issued by press officials, but it was similar to those worn by the candidates and was never checked closely. The reporter later learned that the news briefing, which was to be held in an adjacent room of a Washington hotel, had been canceled.

ASKS FOR ADVICE

A candidate from Columbus, Ohio., told Freeman that a poll in his district showed that the major issue was inflation, and he sought advice on how to handle questions about the increased cost of living.

"I've been trying to figure out an answer to that question for six years," Freeman replied. "Slip, slide, and duck any question of higher consumer prices if you possibly can."

"Don't get caught in a debate over higher prices between housewives and farmers," he cautioned. "If you do, and have to choose a side, take the farmers' side. It's the right side, and, besides, housewives aren't nearly as well organized."

GET 40 PERCENT

Freeman said that farmers get only 40 per cent of the dollar that housewives spend for food at the supermarkets and suggested that candidates could point out that housewives pay extra for the luxury of ready-made foods. "A TV dinner that costs 60 cents at the store could be fixed at home for 20 cents," Freeman said.

He urged the candidates to emphasize that net farm income is at its highest in history. "Farm income and farm outlooks are better under this administration than they have been under any other in years," he said. "But," he warned, "farmers never like to be told they're doing all right."

BUNCH OF NONSENSE

Freeman said grain surpluses that were such a problem several years ago have diminished so much that "we may be able to increase wheat acreage allotments" this fall.

He described as a "complete bunch of nonsense," the controversy over his letter to Secretary of Defense Robert McNamara, ask-

ing the defense department to stop buying pork several months ago, when the farmers were receiving 30 cents a pound for hogs at the market. "It didn't affect farm income one bit," he said. "It was the absolutely logical thing to do and was consistent with the farmers' interest."

He indicated he would take the same action if a similar situation arose again. "It is only good sense that the defense department should buy beef when there is less demand for it by the nation's consumers," he said.

THEY WON'T BUY IT

Freeman said he asked the defense department to resume their pork purchases as soon the the market price dropped several cents.

The former Minnesota governor told the candidates that the percentage of each pay check that now goes for food is lower than in 1960. "You could tell them [the housewives] that, but we know they wouldn't buy it," he said.

The three-day closed meeting will end tomorrow. During the sessions the candidates were permitted to question either cabinet members or representatives from each cabinet-level department.

[From the Chicago Tribune, July 31, 1966]

SECRETARY FREEMAN OVER A BARREL

(The newspaper is an institution developed by modern civilization to present the news of the day, to foster commerce and industry, to inform and lead public opinion, and to furnish that check upon government which no constitution has ever been able to provide.—The TRIBUNE CREDO.)

Secretary of Agriculture Orville Freeman has managed to drape himself over a barrel in a "confidential" briefing of Democratic congressional candidates on the subjects of inflation, food costs, and the political mood of the nation's farmers. A Tribune reporter who wandered into the supposedly closed session heard Mr. Freeman unload the following observations.

—"There is a reaction far deeper and more bitter than I could ever have anticipated" among farmers.

—To a candidate who asked how to handle questions about the increased cost of living: "I've been trying to figure out an answer to that question for six years. Slip, slide, and duck any questions on higher consumer prices if you possibly can."

—"Don't get caught in a debate over higher prices between housewives and farmers. If you do, and have to choose a side, take the farmers' side. It's the right side, and, besides, housewives aren't nearly as well organized."

—On the contention of the administration that the percentage of each pay check that now goes for food is lower than in 1960: "You could tell them [the housewives] that, but we know they wouldn't buy it."

The Minnesota Machiavelli therewith wrapped up as deceitful a body of political philosophy as has ever been produced by any exponent of the Great Society, which covers a lot of ground. This administration has distinguished itself by its predilliction for "managing the news," but Mr. Freeman is in a class by himself.

What he told the Democratic candidates for confidential consumption is something quite different from what the administration chooses to tell the people publicly. The administration has engaged in the window dressing of establishing a "consumer counselor" in the person of Mrs. Esther Peterson in the labor department. This is intended to evidence its huge concern for the consumer, who is usually depicted as a nitwit who can't read the label on a package.

Another of the administration's Potemkin villages calls for enactment of "truth-in-packaging" legislation. The consumer is supposed to be befuddled by the large range of packages on the store shelves, so that, as one proponent of the legislation contends, he is unable to buy knowledgeably and stay within the family budget.

But the fact is that it is Democratic fiscal policy that promotes inflation and drives up prices to new records with each succeeding month. As Mr. Freeman made clear, it is a subject from which the administration prefers to steer away, because there is no sensible political answer to it. So the party's candidates are advised to "slip, slide, and duck."

Secretary Freeman on a field trip around the middle west learned of widespread discontent among farmers. They resent President Johnson's statement that high farm prices were partly to blame for the increased cost of living, and they were not mollified when Freeman followed up with the statement that he was "pleased to report" that some farm prices were down.

Mr. Freeman has maneuvered himself into an unenviable position. He is no more popular with the farmers than the administration is with the consumers. The only out for both is to try to do a snow job on the people.

LET TELEVISION REACH ITS POTENTIAL

Mr. BARTLETT. Mr. President, once again the Ford Foundation has done our Nation a great service.

The foundation's suggestion that consideration be given to formation of a nonprofit nationwide satellite television system which would carry an extensive schedule of educational programs financed by transmission of commercial TV shows is a bold and exciting proposal to help upgrade the quality of American life.

Few persons will argue that television has lived up to its great potential or to its great responsibility. If the technological revolution is to have any meaning for our culture, that revolution must not only be concerned with making daily tasks easier to perform. It must not only be concerned with offering people ways to escape the realities of the day.

This revolution must also be shaped to serve the cultural, intellectual and informational needs of the people. Television offers unique opportunities to meet these needs. Freed from the tyranny of audience polls, freed from some of the harsh economic facts of producing programs, television can reach its potential as a great instructional and cultural medium.

For that reason I welcome the Ford Foundations' proposal.

For that reason I strongly urge the Federal Communications Commission to delay any decision on proposals for the construction and operation of communications satellite facilities by other than recognized common carriers until the proposal of the Ford Foundation has been carefully reviewed and other important studies relating to this question are completed.

Regardless of how the FCC rules on this matter, I will consider introducing legislation designed to make certain that national legislation does not stand in the way of educational television reaching its potential when new communications satellites are launched to serve this Nation.

In addition, I hope that when communications satellites are launched service to Alaska will be included in the plan.

Mr. President, I ask unanimous consent that the letter of McGeorge Bundy, president of the Ford Foundation, to Rosel H. Hyde, Chairman of the FCC, concerning the foundation's proposals, be printed in the RECORD as it appeared in this morning's edition of the New York Times.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 1, 1966.

DEAR MR. CHAIRMAN: I have the honor to submit herewith a statement from the Ford Foundation which responds to the invitation of the Federal Communications Commission for "the views and comments of interested parties" on "proposals for the construction and operation of communications satellite facilities" by others than recognized common carriers. I am also addressing this same letter to each of the other Commissioners.

In this covering letter I want to summarize our conclusions—and also to explain informally the deep concern which moved us to make the studies which have led to this submission.

First, I note that the Ford Foundation has no commercial interest and no operating interest in this matter. We exist for the purpose of giving money away—as wisely and constructively as we can. This is the source of our deep interest in the present question.

We have a wider and longer experience of the effort to establish effective noncommercial television than any other single institution in the country. We have been by far the largest single source of funds for this effort. We have fifteen years of experience. We have made grants, directly and indirectly, of more than a hundred million dollars a year; currently we are making additional grants at the rate of more than ten million dollars a year.

From this experience we have learned three lessons:

(1) The first and most important lesson is that noncommercial television has unlimited potential, for human welfare and for the quality of American life. The best achievements of the best existing stations are proof enough—but there is still more powerful evidence in the best achievements of the best services abroad. And the most powerful evidence of all is in the all-but-unanimous conviction of the ablest men in American television today: that nothing is more needed—for television itself as well as for the country—than a first-rate national noncommercial service.

PRESENT SERVICES INADEQUATE

(2) The second lesson is that existing services, and existing means of support, cannot hope to develop more than a fraction of this potential. The existing systems are much better than nothing. Compared to what this country deserves, they are a depressing failure. This is not the fault of the talented and dedicated men who have worked their hearts out for noncommercial television. It is the fault of all of us—in that we have not yet found a way to give this work the resources it needs. It can well be argued that we at the Ford Foundation have contributed to this failure. When we give $6-million a year to the National Educational Television and Radio Center (NET), we seem to have done a lot. And for us it is a lot—it is our largest continuing

annual grant. But the brutal fact is that our big gift is much too small.

(3) The third lesson follows from the first two: it is that the nation must find a way to a wholly new level of action in this field—one which will release for our whole people all the enlightenment and engagement, all the immediacy and freedom of experience which are inherent in this extraordinary medium and which commercial services—as they freely admit—cannot bring out alone.

These three general conclusions are broadly shared, I believe, among all who have studied this problem—by leaders in the Congress, by the members and staff of your Commission, and by independent experts. They underlie the establishment last year of a distinguished commission of private citizens to study the future of non-commercial television, under a charge from the Carnegie Corporation and with encouragement from President Johnson. Under the chairmanship of Dr. James Killian that commission is working hard to produce a prompt and constructive report. It will be good if we can avoid major decisions affecting the future of educational television until we have the benefit of the Carnegie report. A decision limiting the ownership and operation of communications satellites would be such a decision—and on this ground alone the commission would do well to avoid any ruling of this sort at this time.

PRESSURE FOR DECSIONS

But there are legitimate and important interests which are pressing for early decisions. The Ford Foundation can well understand the forces that could lead some to argue that great commercial questions should not be delayed for months while everyone waits for "one more report" on the future of educational television. Because Carnegie Commission is still at work, it is not in a position today to contest this point in detail. Yet it has seemed to us a matter of high importance that the public interest in the future of noncommercial television be fully and properly represented in the pleadings before your Commission. This is what our submission aims to do. Our right to present this view is the right of any element in our society to be heard. Our duty to do it grows from experience, expenditure, and the terms of our foundation's charter.

This right and this duty are made doubly urgent because of the promise that satellite communications may permit a revolution both in the technology and in the economics of television. Intensive exploratory studies have convinced us at the Ford Foundation that these revolutionary possibilities offer the promise of building a cost-free highway system for multiplied regional and national noncommercial service—and also of providing a large part of the new funds which are desperately needed for noncommercial programming at every level.

The model we present is one way, not the only way. We are sure it can be improved by public study and comment. The state of the art is changing so fast—and we have had so much to learn since March 2—that we are sure our present design can be improved by criticism. For this reason alone we would welcome hearings on this whole subject. And on wider grounds we are sure that any major restrictive action taken without hearings would be offensive to the public sense of fairness.

LOOKING FOR AN ANSWER

While the financial needs of educational television are widely recognized, the sources of the needed funds have been elusive. With the shining exception of the Educational Television Facilities Act of 1962, the Federal Government as a whole has stood to one side (and the Act of 1962, with all its generosity and foresight, carries a total appropriation which is lower than the funds spent by the Ford Foundation alone in the years since the Act was passed).

Moreover, Americans are understandably cautious about direct Federal financing of channels of communication to the public. A number of additional remedies have been suggested, and we must hope for more light on this from the Carnegie Commission, but the hard fact is that up to now no remotely adequate solution has been found. We all want educational television to be properly funded. We do not want the Government to "pay the piper and call the tune." We are looking for an answer.

And that is what makes the possibilities of satellites so extraordinarily important. Noncommercial television has two great needs: first, to become a true national network, at a cost it can afford—and second, to have money for programming at a wholly new level of excellence. Properly used, a television satellite can meet both needs. By its natural economic advantage over long landlines, it can effectively eliminate long-distance charges as a determining element in network choices—commercial and noncommercial alike.

And if in the case of commercial networks a major share of these savings is passed on to the noncommercial programers, then both problems are on the road to solution, and everyone is better off than he was before. This is not magic, or sleight-of-hand. It is a people's dividend, earned by the American nation from its enormous investment in space.

We are far from contending that a portion of the savings of the commercial users will pay for every possible program tomorrow. In our formal submission we estimate that such a system might produce $30-million a year for ETV programming almost at once, and perhaps twice that much within ten years. This is more than enough to start the revolution we seek—and there would be still more in the future.

THE DESERT COULD BLOOM

And all this, our analysis suggests, should be accompanied also by a wholly new level of investment—public and private—in the programs of live instruction that the satellite system invites. The satellite, used in the right way, can make the desert bloom for whole new areas of television. We do not claim that our way of doing it is the best. We do believe the best way must be found.

One cause of questioning may be the initial human effort of establishing a service of the sort that we suggest. Where can we find the first-rate men for a new nonprofit venture? We have considered this question, and we have asked a number of the best professionals for their opinion. Their verdict is unanimous. We are talking here about a vision of excellence for the life of all Americans. Good men will want to work for it. We are convinced the signal of approval for a system like this one would release a rush of talent for the leaders of the new enterprise.

There is also a question of money. Once it is started, the enterprise will surely pay for itself and for much good money to get it off the ground? That is a fair question, but we are convinced that there are good answers—in the resources of the commercial networks, in the lending power of those who know a sure success when they see it and in the resources of those who hold the view that money which helps to turn this corner will be money well used for the quality of American life. Our own commitment to this general purpose is clear.

We fully recognize the legitimate and reasonable needs of others who are concerned with satellite communications. We are convinced that our proposal does no significant harm to the legitimate and recognized interests of Comsat or the common carriers. With or without added responsibility for domestic television, Comsat will remain an unusually privileged commercial enterprise—a prime and protected investment with exclusive chartered rights in international satellite service.

Comsat faces international horizons which can engage its full energies for decades to come. The prosperity of all does not require for any a monopoly of the space communications available to the American people. And for the common carriers the revenue presently at issue is less than 1 percent of a business which grows by more than that in every season of every year.

For all these reasons, we believe the door to a new and separate broadcast satellite service must not be closed. We do not now present a formal application. We think it right to wait for the report of the Carnegie Commission, and we also believe that the Ford Foundation should not undertake alone the framing of a formal application in a matter which relates to the interests and concerns of all Americans.

MODEL OF A SOLUTION

What we have done initially is to develop one possible model of a solution. We have tested it for technical feasibility with the professional counsel of Dr. Eugene Fubini of the International Business Machines Corporation. We have tested it against the laws with the help of Mr. David Ginsburg of Washington. We have tested its economic validity with the advice of Dr. Paul MacAvoy of the Massachusetts Institute of Technology. We have tested it against the realities of television programming with the help of Mr. Fred Friendly, our adviser on television. We have tested it against our own experience in the philanthropic support of noncommercial television.

We think this model is sound against all these tests. But our purpose in presenting it is not to ask the Commission to grant a license now, to us or to anyone else. Our immediate purpose is rather to urge the Commission to take no action now that would foreclose these possibilities.

We think the Commission should invite a more formal proposal from the widest possible public. We think such a proposal would be forthcoming. We think it would be compelling. We would be glad to join with others to present it. All that we feel it right to do today is to enter the strongest possible argument against any action that would close the door to this new hope for all Americans.

In summary, our underlying purpose is not to press for a particular solution, and still less to interfere in any way with the legitimate interests of others. Our purpose is to stress four fundamental propositions:

(1) the critical importance to American life of properly designed domestic communications satellite systems;

(2) the very great—and largely unstudied—potential of such systems for noncommercial television and for education in its widest sense;

(3) the possibility that the management of this new national resource and the rates charged for its use can be arranged in such a way as to provide adequate resources for a wholly new level of service to the American people; and

(4) the desirability of most careful deliberation before national decisions are reached with regard to the assignment of responsibility in this area.

This is a time for due process, and for greatness.

Sincerely,

McGEORGE BUNDY.

PERMANENT SOLUTION FOR NATIONWIDE STRIKE

MR. ROBERTSON. Mr. President, I ask unanimous consent to have printed

in the RECORD a statement I issued to the news media today regarding the need for a permanent solution to the problem of nationwide strikes.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RELEASE FROM THE OFFICE OF SENATOR A. WILLIS ROBERTSON, DEMOCRAT OF VIRGINIA

Senator A. WILLIS ROBERTSON, Democrat, of Virginia, called on Congress today to deal permanently with the problems of strikes which affect the nation as a whole by making labor unions subject to the anti-trust laws.

"We should either outlaw industry-wide strikes, or make labor unions subject to the anti-trust laws when they interfere with the interstate movement of goods or services essential to the maintenance of the national economy, health or safety," said Senator ROBERTSON.

"I realize that, in the current airline emergency, there is not time to work out a permanent solution to nationwide strikes, but after dealing with the imminent problem, Congress should turn its attention to providing a more satisfactory remedy for similar situations that are bound to arise in the future.

"I am opposed to compulsory arbitration because of the danger that the agency or official designated to name the arbiters could pick individuals favorable to one side or the other.

"The best solution, in my opinion, is the one I proposed in 1950, to empower the government to go into Federal court for a determination of whether a nationwide strike constitutes an unreasonable restraint of trade, as contemplated by the Sherman anti-trust law.

"The record is clear that when Congress passed the Sherman Act in 1890 it intended it to apply to restraint of trade by any group, whether of business or labor, and for many years the act was so construed. But, in 1941, five members of the Supreme Court, in the Hutcheson Case, held otherwise.

"The control of production and the fixing of prices by union action, in commodities or services essential to the public welfare of the United States, seem to me just as objectionable from the standpoint of the ultimate effect on our economy as similar action by employer groups.

"The bill (I said in 1950) which I have offered would in plain language remove the immunizing effect of the Clayton and Norris-LaGuardia Acts from conduct which up until 1941 had been almost universally branded as illegal and against the public interest, and which had always been regarded as outlawed by the Sherman Act.

"It would leave the government free to go into court and it would leave the court free to put a stop to labor union practices which are so detrimental to the national welfare that some remedy, beyond the temporary stop-gap remedy of the Taft-Hartley Act, is essential to protect the people of this country. The Sherman Act would then again serve, as it originally served, as a brake on unions which seek to put their own activities ahead of the national welfare."

PROPOSED AMALGAMATION OF CERTAIN USIA OFFICERS INTO THE FOREIGN SERVICE—H.R. 6277

Mr. PELL. Mr. President, a number of news reports lately have mentioned my part in the Senate's consideration of the Hays bill, H.R. 6277, and the proposed amalgamation of 697 USIA officers into the Foreign Service. Some of these reports were misleading and inaccurate. I would like to correct them for the RECORD.

First, I have never been fully convinced that the three foreign affairs agencies—the Department of State, the Agency for International Development, and the U.S. Information Agency—must have a single personnel system. Furthermore, I share the worry of interested labor unions and veterans organizations over the possible erosion of the civil service and the principle of veterans preference which would result from this bill. I have kept these views very much in mind. Finally, I did not believe that the blanket amalgamation of 697 USIA officers was a good idea. I believed that it would both change the character of the corps of Foreign Service officers and weaken USIA's chance of having a professional career for information officers.

As a member of the special Subcommittee of the Foreign Relations Committee, chaired by the distinguished Senator from Tennessee [Mr. GORE], I have attempted to change and improve certain aspects of the bill and the proposed amalgamation of USIA officers, with which I disagreed. To do so, I recommended that:

First. Some individuals now in the civil service, who would remain on domestic duty permanently, should be left in the civil service and not drawn into the Foreign Service. The administration opposed this suggestion.

Second. All individuals in the Foreign Service presently having veterans' preference should continue to have it. The Hays bill would have deprived Foreign Service staff people of this right. My amendment, for which I secured the administration's agreement, would have preserved veterans' preference rights for those of the Foreign Service staff corps who are veterans.

Third. We should avoid dilution of the Foreign Service, but assure USIA of a career service, and thus prevent a serious morale problem among the Agency's finest officers whose names have been recommended for Presidential commissions for 2 years in a row. My amendments would have restored this vital Agency's presently threatened esprit de corps by establishing a fully rounded career service by which topflight officers might be recruited, trained, and maintained in a sound personnel system of its own.

It would seem to me that the present attitude in the subcommittee toward the Hays bill, the proposed USIA amalgamation, and my amendments is as follows:

First, the concept of a unified foreign service personnel system has not won favor;

Second, the amalgamation of USIA's 697 officers into the Foreign Service has likewise failed to find support; and

Third, the need for a USIA career service is generally recognized.

All told, the Hays bill, in the form in which it was referred to the Senate, was not approved by me and appears now to have little chance of approval by Senator GORE's subcommittee. Those portions concerned with veterans' preference and changes in the civil service personnel structure of the three foreign affairs agencies are particularly moribund. Therefore, in view of the subcommittee's apparent interest in regularizing USIA's personnel system, I propose shortly to offer separate legislation to establish a permanent career service for USIA.

HONOLULU IRONWORKS RECIPIENT OF PRESIDENTIAL "E" AWARD

Mr. INOUYE. Mr. President, another indication of Hawaii's persistent efforts to increase our volume of foreign trade in the Pacific will come next week when the Honolulu Iron Works receives the Presidential "E" Award from the U.S. Department of Commerce for its "progressive export qualities."

Honolulu has recently established a foreign trade zone which will enable importers to display and store their products on a duty-free basis until they are purchased for import into this country.

In an editorial published July 30, 1966, the Honolulu Advertiser commented on the overseas operations of Honolulu Iron Works and Theo. H. Davies & Co., Ltd., another Honolulu firm.

We in Hawaii are extremely proud of the contributions being made by these and other firms in Hawaii in the field of international commerce.

If there is no objection, I respectfully request that the editorial be printed in full in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORE ON ISLAND EXPORTS

On August 9, the Honolulu Iron Works—through its president, George W. Murphy—will receive the Presidential "E" Award for its "progressive export qualities."

This underlines the point we made in a recent editorial that Hawaii's exports of products and know-how can be of increasing value to us and to the nations of the Pacific and elsewhere.

Honolulu Iron, which produces heavy equipment for sugar, transportation, food processing and other key industries, has engineering and manufacturing facilities not only in Hawaii and Louisiana but in the Philippines—and its products are manufactured through associates in Mexico and Peru as well.

It places considerable emphasis on research and development and currently is offering equipment embodying new processes to both the sugar and pineapple trade.

The company maintains sales offices at each of the overseas sites above as well as in Hong Kong and Okinawa. In all, Honolulu Iron products are at work in 42 countries, accounting for the fact that last year, as an example, 28 per cent or about $10 million of the company's sales were in the export market.

Another firm which, like Honolulu Iron, is long active in the Philippines is Theo H. Davies & Co., Ltd., which has been there since 1928 and now does about $20 million in sales.

Davies Far East is involved in sugar manufacturing, in the concrete block and cement business and in the making of Zenith TV sets for Philippines sales.

What is less known is the company's operation in Spain—Theo. H. Davies, Iberica, S.A., a subsidiary headquartered in Madrid.

Less than three years old, Davies Iberica has shown rapid growth. With its subsidiaries, it manufactures Fedders air conditioners; auxiliary and special equipment for the construction industry and public works companies; concrete blocks and hollow tile.

It also has a substantial investment in a Mediterranean resort development on the Costa del Sol, described as the "new favorite playground of Europe." Plans are for residences, apartment buildings, a first-class hotel, a shopping center and recreation facilities. To keep the 3½-mile beach clean, Davies reports that "special machines (have been) brought from Hawaii."

Thus do Island links spread ever wider, providing profitable outlets for talent and for merchandise.

A SENSE OF LOSS

Mr. CHURCH. Mr. President, the memory of Adlai Stevenson's death on July 14, a few days more than a year ago, still remains clear and painful. Obviously, I am not alone in this feeling. Recently two pieces have appeared, written by his friends, which bring back to us much of the aura of the man. Last week Marquis Childs wrote in the Washington Post on "Adlai Stevenson: A Sense of Loss. He commented that "millions in this country and around the world felt his passing as a personal loss."

Why should his loss be mourned when his influence on our foreign policy was so limited? Marquis Childs went on to say:

The reason is not hard to find. His generosity of spirit, his magnanimity, his lack of malice, his humor, the free flow of ideas—all this came through in almost everything he wrote and spoke. Above all, a generosity of spirit is missed today.

In the July 9 issue of the Saturday Review, Elmo Roper wrote an editorial entitled "Adlai Stevenson: A New Vision," in which he said:

There is no question that for most people in this country, Stevenson will be remembered as a Presidential candidate who was greater in defeat than many have been in victory.

Roper continued that Stevenson "captured the conscience and imagination of a particular political generation—the liberals of the fifties."

He concluded with a call for greatness:

We need what Adlai Stevenson had.

Mr. President, I concur wholeheartedly with the sentiments expressed in these two pieces, and I ask unanimous consent that they be printed in full at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ADLAI STEVENSON: A SENSE OF LOSS

(By Marquis Childs)

A year has passed since Adlai Stevenson died while walking in Grosvenor Square in London. He had been through trial and tribulation in his post as Ambassador to the United Nations. His influence on the foreign policy of the Johnson Administration was negligible. Yet millions in this country and around the world felt his passing as a personal loss. And, if one may venture a guess, that sense of loss is still strong not only among his friends but among the unnumbered multitude that looked to him for something more than the exercise of power.

The reason is not hard to find. His generosity of spirit, his magnanimity, his lack of malice, his humor, the free flow of ideas—all this came through in almost everything he wrote and spoke. Above all, a generosity of spirit is missing today and, while this made him vulnerable to petty snipers practicing a dubious power politics, it was the essential element of his greatness.

Much was written after his death about his dismay and disillusion at the course of American policy and the chores he was called on to perform at the U.N. He was in on the crash landings, as in the Bay of Pigs fiasco, but seldom on the take-offs.

This reporter was in South America at the time of his death and the memory of that call from the Embassy giving the news is still sharp. I had spent several days with him in New York at the height of the Dominican crisis in May and he was deeply troubled by the assigned task of justifying the massive American intervention. As a thinking man he knew well that far more was involved than either a Communist threat or the safety of Americans on the island.

But he was loyal to those from whom he took his orders and if at that time of great strain he contemplated resigning his post he never spoke of it. Nor did his humor fail him. The recollection of a small relaxed dinner party as which he told story after story, some new and some old, as the table rocked with laughter is unforgettable.

Increasingly evident in the year since his death is the fact that he was trapped. He was caught between the aspirations of a world organization seeking a common way to peace and the demands of an Administration in Washington resorting to nationalist solutions for situations in which force appeared the only recourse.

This is the dilemma in which Stevenson's successor, Arthur Goldberg, finds himself. By the Lyndon Johnson persuasiveness—a brand seldom equalled in public life—Goldberg was moved to leave the Supreme Court and take a post held out as one in which the potential for achieving peace could mean salvation for the world and a crown of glory for the architect. Ambassador Goldberg finds himself limited to gestures far short of the heroic future unfolded before him in the President's study.

The U.N. is, in fact, in danger, under the one-nation, one-vote rule, of falling under the control of the countries of color. With African nations joined to the Asian bloc they could outvote the West. If and when Red China is admitted such a powerful bloc becomes an even greater threat. A rebellion in this country against paying more than one third the cost of the U.N. is not hard under those circumstances to foresee.

Stevenson understood this danger. He had from time to time talked about resigning and following a quieter life, including the writing he wanted to do. But public office and its perquisites had become a habit. His friends were concerned that in the dizzy round of the U.N. it was an unfortunate habit—a drug of sorts easing the pain of so much disillusion and disappointment.

He was unlucky in his public career. Twice he ran for President against a great military hero and twice he was disastrously defeated. Nothing he might have done in those two campaigns, and particularly in the second one in 1956, was in any way likely to alter the outcome, and with his intuitive knowledge of political trends he surely knew it.

The abiding ambition he carried with him to the grave was to be Secretary of State. His own mistake in judgment when at the 1960 Democratic convention he declined to deal himself out of the Presidential game is widely considered to have denied him that ambition.

Given the imprint he left on his time, the mark of that generous, questing spirit, Stevenson is likely to live longer in history than many of the power-grabbers and power-seekers. His heritage is written in the character of a citizen-patriot who denied the savagery and brutality of his own time of troubles.

[From Saturday Review, July 9, 1966]

ADLAI STEVENSON: A NEW VISION

On July 14 it will be a year since Adlai Stevenson died. During this time his career and character have been praised and analyzed and defined. It is clear that many things Stevenson was and did will be written into history. Yet, although much has been included in the appreciative portrait that has emerged since his death, I think perhaps the most important thing has been the least commented on.

His achievements in office, of course, have been recounted. There is an awareness of the grace with which he played his last and perhaps most difficult role of Ambassador to the United Nations. Frustrated at his distance from the center of power, he yet lent all the fine resources of his intellect to representing that power. We will continue to hear, in the phrases of the President of the U.N. General Assembly, "the echo of his eloquent and tempered words, the expression of a noble spirit and a high culture placed at the service of his country, but placed also at the service of the ideals of peace and justice."

There is less awareness of his perhaps even more remarkable achievements as Governor of Illinois. For a man who has been called impractical, it is worth remembering that his term of office was as constructive as that of any of the governors of that state in this century. While he was governor—to name just a few of his accomplishments—a neglected civil service was revitalized, useless political appointees were eliminated, unemployment and workmen's compensation benefits were increased, and Illinois was started on the path upward from one of the lowest levels of state aid for public schools to a heartening increase. He himself once told me that the period of his life of which he was proudest—and which he most enjoyed—was his four years as Governor of Illinois.

There is no question that for most people in this country, Stevenson will be remembered as a Presidential candidate who was greater in defeat than many have been in victory. All the memorable facets of Stevenson's character were revealed in that first, unforgettable campaign when he chose to put the pursuit of truth above the pursuit of power, and decided to "talk sense to the American people."

In his role as losing Presidential candidate, Adlai Stevenson captured the conscience and imagination of a particular political generation—the liberals of the Fifties, whom the times were against but who, in fact, represented the mainstream of the future. The complexity of his vision and the eloquence of his speech burst upon liberal intellectuals with a shock of recognition: "He's one of us!" More than John Kennedy, who appealed as much for his youth and energy as for the qualities of his mind, it was Stevenson with whom, as with no other political leader in recent history, they could identify.

And Stevenson will, of course, be remembered for his wit. It delighted all those who had not succumbed to the soggy proposition that to be serious one has to be dull. Un-

fortunately, in the 1950s too many *had* succumbed, and their appetite for portentous platitude was amply satisfied by Stevenson's opponent. It is an odd notion that wit is frivolous, and a dangerous notion if this attitude takes hold among a people. For a people without humor is a people without vision. Adlai Stevenson's humor arose from his ability to stand off and reflect on the political condition, from his awareness of the possibilities of pathos and failure that always lie in wait for noble deeds. He met the supreme test of humor—he could laugh at himself!

Adlai Stevenson will be remembered for all these things and more. But the time has come to put them into perspective, for an evaluation of his lasting imprint on American society. And I think that may be something rather different from the uniquely personal qualities for which he was so greatly admired.

What Adlai Stevenson gave us, at a turning point in our history, was a new vision of and respect for the intellectual life. To a nation too long dependent on improvisation and narrow practicality, too long scornful of the intellect and its fruits, he became a model of a truly educated man. Nearly a decade before Robert Frost was invited to the White House, Adlai Stevenson stood before the nation as an embodiment of humane and civilized intelligence. Though he was derided by some as an "egghead" in his time, since Stevenson it is no longer possible to think of intellectuals as wildeyed and bushy-haired. He made the intellect respectable, and from these beginnings, who knows? The climate for intellectuals may one day become as favorable as it was in the days of Thomas Jefferson.

In recent years Americans have become very nervous about learning. The Russian space achievements have shaken us up, and we've gone about solving the problem in a typical American way. We're building more schools, and the kids are competing harder than ever to get into and out of college. I have even heard that football heroes no longer have their pick of the more desirable females on campus. The intellect is becoming a new status symbol, a new way to win. But if we are to solve the tormenting problems that beset us, if we are to reckon with revolutionary changes in our society and our world, we need more than bright young men. We need what Adlai Stevenson had.

For more than anything, he showed us the proper uses of the mind. He demonstrated that the human intellect can be more than merely learned, more than brilliant, or useful, or shrewd. He showed us a mind at its highest functioning, at home with the culture of the past, involved in a continual quest for enlightenment about the present, and imaginative about philosophies for the future. He gave all of America something to strive for.

INVITATION TO VISIT ST. CLAIR COUNTY, ALA.

Mr. SPARKMAN. Mr. President, as an advocate of seeing America first, so that every American may be enriched by seeing something of the greatness of his country and viewing the monuments of its history, I again invite my colleagues and every American to Alabama, a State which extends from the Gulf of Mexico across the valley of the Tennessee for 300 miles of beauty and excitement.

Today I should like to invite you specifically to come to Alabama and visit in St. Clair County, one of Alabama's mountain counties and an area of great beauty, comparable to the Ozarks of Missouri and Arkansas and the North Carolina mountains. St. Clair County has an added tourist-recreational attraction in the Coosa River lakes which form the eastern boundary of the county. Modern marinas and fishing camps and fine motels make this region particularly attractive to those who enjoy good fishing, boating and water sports.

A most unusual attraction in St. Clair County is Horse Pens Forty, a 40-acre tract atop Chandler Mountain which is characterized by great rocks standing high above the plateau. The mountaintop has been the scene of annual arts and crafts festivals, but it is worth visiting just to wander along the trails between the massive rocks and observe the animallike rock formations—elephants, dinosaurs, turtles, and other sculptures hewn out by the eroding hand of nature.

In former days there were few motels and restaurants in St. Clair County to entertain and shelter the tourist, but this has changed. There is a delightful small restaurant at Odenville, for example, and several motels and restaurants in the Pell City area. The traveler in St. Clair County will be among some of the most hospitable people in the world.

All of this charm is only a few miles from Birmingham, the steel center of the South, or from Gadsden and Anniston, major cities to the east of St. Clair. It is less than a 2-hour drive from Huntsville, the rocket city. Interstate 20 and Interstate 59 cross the county, as do several Federal highways and good State highways. It is easily accessible from Atlanta, Chattanooga, or the Nashville area, and it is worth visiting.

I invite you to come to Alabama, to see our State and to see us as we are. I hope that you will include St. Clair County in your itinerary.

POPULATION PROBLEMS ARE INCREASINGLY BEING DISCUSSED

Mr. GRUENING. Mr. President, the population dilemma is increasingly appreciated and understood. All over the country action in the field of planned parenthood by private groups, by State and local agency action, both in the executive and legislative branches, is taking place.

One interesting evidence among many bits of it is a full page—indeed, the first page of its second section—of the Christian Science Monitor of August 1, 1966, which carries two articles: one entitled "New Look at Population Control"; and the other, "Congressional Dialog on the 'People Crisis.'" There is also a useful map of the 48 States under the title: "Family Planning," which shows a different shading for various States, depending upon their activity. Six of the States pictured in black have no publicly supported programs. States in grey—the great majority—have some form of publicly supported programs; and a few States, indicated by no shading at all, have publicly supported programs in all counties and muncipalities. Their number can be expected to grow as well as the number of those six who have no publicly suported programs may be expected to diminish. Those States with no publicly supported programs are: Massachusetts, Vermont, New Hampshire, Iowa, South Dakota, and Wyoming. Those with publicly supported programs in all counties and municipalities, interestingly enough, are all below the Mason-Dixon line. They are Kentucky, Virginia, and Alabama.

I ask unanimous consent that these two articles be printed at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Aug. 1, 1966]

NEW LOOK AT POPULATION CONTROL

(NOTE.—The problem of too many people is no longer one for just the underdeveloped nations of the world. It has become one in the United States, as well—especially in city slums. So Washington is taking action in a field that has been taboo: birth control—or, as federal officials prefer to call it, family planning. On this page, staff correspondent Lyn Shepard traces the causes of this changing federal attitude.)

WASHINGTON.—The federal government is offering family-planning services through its agencies to those who want it most—poor families both at home and abroad.

This new federal posture amounts to a dramatic turnabout in policy in the past few years. Where until recently Washington viewed family planning as "not our business," it now looms as a priority goal.

Programs funded through the Office of Economic Opportunity (OEO), the Department of the Interior, the Department of Defense, the Alliance for Progress, and the Agency for International Development (AID) seek similar goals, though their methods differ at times.

FOUR KEY FACTORS

Four factors have pressed the government into a more active role on behalf of family planning:

The world "population crisis" has reached the disaster point in many under-developed nations like India. The Food and Agriculture Organization of the United Nations (FAO) found in 1964 that nearly 1.5 billion persons—half the world's population—were undernourished.

Partly in response, the Roman Catholic Church showed signs of relaxing its long-standing policy on birth control. Public opinion polls found Roman Catholic families in this country widely divided on the morality of "planned parenthood." But a majority favored some form of tax-supported family-planning program.

President Johnson strongly supported federal action in several speeches early in 1965. "I do not believe," he said then, "that our island of abundance will be finally secure in a sea of despair and unrest or in a world where even the oppressed may one day have access to the engines of modern destruction. . . ."

The Senate held hearings in 1965 under the chairmanship of Senator ERNEST GRUENING (D) of Alaska. Senator GRUENING and other lawmakers in both houses of Congress sponsored bills to formalize the federal commitment. The bills are still pending. But the hearings gained wide publicity and impressed the executive branch with broad public backing.

HEARINGS APPLAUDED

Some Capitol Hill observers think the Gruening hearings fulfilled a much-needed educational function. One House aide summed up that view in these words:

"The hearings . . . let the executive branch know that the mood of the country had changed. After all, if we get executive action, we don't need legislation. It was a classical political science example of hearings having an effect on public policy."

The Senator thinks highly of the approach developed by Secretary of Health, Education, and Welfare John W. Gardner and his Assistant Secretary for Health and Scientific Affairs, Philip R. Lee.

"But if Gardner and Lee leave HEW," the Gruening staff worker asserted, "everything will go back to the 12th century."

The need for a more unified command is all too obvious to some Capitol Hill critics. A recent policy conflict involving the Office of Economic Opportunity and the Department of Health, Education, and Welfare underscored this point.

The OEO released a memorandum May 13 detailing "special conditions" for use of its grant funds in family planning. The conditions barred unmarried women or married women not living with their husbands from using contraceptive devices or drugs supplied through OEO funds.

DEBATE HARD TO RESOLVE

HEW's guidelines place no such conditions on family planning grant funds. Its officials mused privately that the OEO had worked itself into an awkward corner—probably for political reasons.

The merits of the two policies can be debated. But outsiders thought Senator GRUENING had scored a point. No arbiter could hammer out a consistent federal policy because Congress had failed to appoint one for the task.

Actually the OEO gets around its own policy via the back door. It reminds local agencies that they can circumvent the federal proviso with their own funds. Nothing prevents unwed women from using family planning equipment paid for from local taxes.

Why did the OEO release its caveat in the first place? Sources close to the OEO put little stock in one suggestion—that R. Sargent Shriver, Director of OEO, acted without choice due to his Roman Catholic faith.

The same observers see Mr. Shriver as deferring instead to powerful political backlash which might have arisen had the OEO adopted the straightforward approach of HEW.

The backlash threat may relate directly to "old school" views now entrenched in many big cities. In such areas, even HEW family-planning programs find rugged opposition.

The New England states, for instance, still resist family planning. Except for five of Maine's 11 counties, the region frowns on using taxpayers' money for birth-control programs. Some states now resort to "under-the-table" payments. Rhode Island, as an example, allows welfare recipients to visit Planned Parenthood clinics at public expense.

Some states, like North Carolina, on the other hand, appear far ahead of the nation in family planning. In fact, results of county-by-county surveys by both HEW and Planned Parenthood show the South uniquely advanced in this respect. However, many Southern birth-control clinics operate with meager funds.

A number of Western states now provide family planning programs for poverty-stricken Indian tribes with the aid of the Department of the Interior. Secretary of the Interior Stewart L. Udall also oversees this service for Alaskan Eskimos.

The number of states now earmarking public funds for family planning now stands at 44.

"That's a sign of real progress," a Health, Education, and Welfare official declared. "Just a few years ago there were hardly any."

GAINS COUNTED UP

"We've stopped counting states," a Planned Parenthood executive in New York City added. "Now we're down to the counties."

HEW's nationwide survey of May 11—as yet unpublished—shows 1,000 of a total of 3,071 counties or municipalities now using tax monies for some form of family planning program.

At the same time, AID's involvement in overseas programs gained momentum. In an April 11 statement, AID's former director, David E. Bell, reported:

The Republic of China supported its family-planning program with AID-generated local currencies.

Turkey has asked for a loan to assist a similar program.

Honduras sought help for educational programs in family planning relating to maternal and child health.

Pakistan requested wide-ranging technical aid for, among other things, launching its national birth-control effort.

India was discussing its plan with AID officials.

The agency estimated its family planning obligations cost $2 million for fiscal year 1965, jumped to $5.5 million for fiscal 1966, and would increase to about $10 million in fiscal 1967.

A researcher on Senator GRUENING's staff noted the executive branch awakening—in foreign assistance and in programs close to home—and found a lesson in it.

"We've reached the point," she said, "where public policy and private morality have to work hand in hand."

Washington officials—with a population crisis goading them into action—share a growing sensitivity to this need.

CONGRESSIONAL DIALOG ON THE "PEOPLE CRISIS"

(NOTE.—Two men who have contributed a major impetus to the Capitol Hill "dialogue" on the population crisis are Reps. PAUL H. TODD JR., of Michigan and SPARK M. MATSUNAGA of Hawaii. Following are their views and those of others in Congress on "What can be done?")

WASHINGTON.—"It was war time—1944 at our base in Calcutta," the congressman recalled. "I was a private assigned to the garbage detail.

"I used to watch the Indian women scrambling for food, digging through the garbage cans outside the Army mess hall.

"It was quite a shock coming out of our culture—and I never could forget it. So when I won this seat, I thought maybe I could help."

Rep. PAUL H. TODD, JR. (D) of Michigan saw a face of poverty unknown to most Americans. As a freshman lawmaker in 1965 he enlisted promptly in the "war on hunger."

Mr. TODD sponsored a family-planning bill this session in line with pending Senate legislation. It offered birth-control information and devices to nations like India—nations trying to curb their runaway growth rate.

When the "food for freedom" bill reached the Committee on Agriculture, one member tacked the Todd bill on as an amendment with minor changes in wording. The package passed the House on June 9 by an overwhelming 333–20 vote.

ALLY FROM HAWAII

Mr. TODD's ally in committee was Rep. SPARK M. MATSUNAGA (D) of Hawaii. The latter's strong support of family planning owes also to a stay in Calcutta.

The Hawaiian congressman visited India last December at the behest of the late Prime Minister Lal Bahadur Shastri. The experience convinced him that better farming methods alone were not enough.

"We have to do something about population," he told this reporter. "I visited Calcutta, where a quarter of a million people sleep on the streets at night.

"I have five children of my own. And when I saw those youngsters—really nothing but skin and bones—begging for food and money, I saw my own children looking at me through their eyes.

"Do you realize," he went on, "that India produces 11½ million people annually. That's the population of Australia. So they're adding another Australia every year. And they can't feed those they have."

When the "food for freedom" bill cleared the House with the Matsunaga amendment intact, family-planning supporters rejoiced.

"They started with the back-door approach," one observer remarked. "The way to get Congress on the record of birth control is to place a modest proposal before it, and this Todd bill is very mild."

"Well the food for freedom bill got through without any flak," another House source noted with a strong tinge of cynicism, "because the members think 'these are little yellow and brown people on the other side of the earth.'

"Politicians are not leaders. Nobody is going to pick it up if they're not sure how the people back home will take to it."

Rep. JAMES A. MACKAY (D) of Georgia agrees in part.

"Many people think that the population explosion is taking place 'over there,'" he said.

"It isn't. It's right here."

GRUENING GIVEN AMPLE CREDIT

Mr. MACKAY should know. He occupies a new House seat created by the landmark Westbury decision. When Georgia redrew its congressional boundaries by judicial decree, it left Mr. MACKAY one of the fastest growing areas in the nation as a home base. It includes a slice of Atlanta and its suburbs.

"Georgia has one somber statistic that we're not very proud to mention," he said, tapping a map of the state on his office wall.

"We record more than 8,500 illegitimate births each year.

"Now my interest in strengthening the family unit is a Methodist layman's interest. But I want to translate the thoughts of my constituency into legislation where it's needed."

Many members of Congress credit any stepped-up interest by the executive branch to 1965 hearings held by Sen. ERNEST GRUENING (D) of Alaska.

"Those hearings gave Secretary of the Interior (Stewart L.) Udall the push he needed," a House observer said. "He passed family-planning aid on to Indians and Eskimos as a result."

The Gruening committee's findings apparently lent impetus to the Department of Health, Education, and Welfare program as well.

"HEW needed evidence of Congress' mood," Mr. Todd said. "Now it's catching up, after proceeding slowly and cautiously for so long."

NEW POSTS RECOMMENDED

Senator GRUENING says Congress should commit the executive branch to family planning. He filed a bill creating an "Under-

secretary for Population Problems" in both HEW and the State Department. But the administration is thought to prefer its present informal role.

One of Senator GRUENING's backers in this case is Rep. THOMAS M. PELLY (R) of Washington.

Mr. PELLY, a member of the House Science and Astronautics Committee, which is also studying world birth-rate trends, spelled out his thoughts on the proper federal role:

"We have an obligation in this field. We're responsible for lowering the mortality rate through research. But we've not reduced the fertility rate. We spend so much for exploration of space. I'd prefer to devote more of it to improving life on this planet.

"All our foreign aid is almost futile," he went on, "because it doesn't allow for increasing the standard of living. We're going to face a federal food deficit. We'll have to redouble our efforts to grow food and, of course, to curb population growth."

Some big-city congressmen see family planning as an important weapon in the war on poverty. They see a close tie-in between unwanted children and the findings of the Moynihan Report (a 1965 Department of Labor study tracing the breakdown of the Negro family).

The spokesman of this House faction is another freshmen, Rep. CHARLES C. DIGGS JR. (D) of Michigan. Rep. JOHN CONYERS JR. (D) of Michigan and Mr. DIGGS both sponsored domestic family-planning bills. Significantly, both men are Detroit Negroes.

CITIES VARY IN SUCCESS

"We don't have a population explosion here yet," a Conyers aide asserted. "That's not our problem. It's unwanted children. Kids leave home as soon as they can fend for themselves on the street.

"And there's an economic bias in this situation. One has to be in the uper crust in order to be knowledgeable. Poor people don't have access to the information. Welfare and the poverty program won't tell them about it.

"So we want free access. If a municipality wants to set up a birth-control program, it should be able to come before the federal government and get it."

Such a family-planning program remains in the "tooling-up" stage in Detroit. Some other cities like New York fare better, according to HEW sources. But in others like Philadelphia, religious and political factors force clinics to operate "under the table."

Yet birth control finds far less hostility in Congress than it would have just a few years ago. Most observers lay this to a gradually more liberal attitude of the Roman Catholic Church.

"I haven't found anyone in the House opposed," maintained Rep. J. ARTHUR YOUNGER (R) of California. "There's no question but that the country will save money and future difficulties if it adopts family planning."

Mr. YOUNGER, a member of the Planned Parenthood Federation of America, said the majority of his mail on the issue favors birth control.

Recent polls by Mr. CONYERS, Rep. TENO RONCALIO (D) of Wyoming and Rep. CHARLES R. JONAS (R) of North Carolina show the same broad groundswell.

SUPPORT STEADILY GROWING

The shift in public opinion—plus the persuasive abilities of Senator GRUENING, Mr. TODD, and others—has swelled the list of family-planning converts. Rep. CLAUDE PEPPER (D) of Florida, for instance, recently joined the Gruening-Todd forces.

"What should the federal government be doing about the population crisis?" this reporter asked the Miami congressman.

"I'll answer that differently that I would have a few months ago," Mr. PEPPER replied. "I would then have said it's too sensitive a subject and we should softpeddle it.

"But I've been talking with Senator GRUENING, and I want to openly identify myself with it. Now I feel that next to nuclear war, the population explosion is our most serious problem. If it [the birth rate] goes on like this, the prospects are absolutely fearful."

Even so Mr. PEPPER sides with the Office of Economic Opportunity's position in withholding birth-control devices from unwed women and women not living with their husbands. To act otherwise, he feels, would encourage promiscuity.

Mr. PELLY takes another stance.

"Sargent Shriver's [director of the Office of Employment Opportunity] duty is to provide education," he said, "and—if it [birth control] treads on the feelings of some religious groups—I don't think he should go much beyond that. I don't think he could afford to politically."

Though some differ on the means of setting up family-planning services, most congressmen would agree with Mr. PEPPER on the importance of their goal.

"As I see it," he declared, "I have a duty to see my country survive. And I've been slow to take a position, because birth control is a sensitive issue. But I've just about decided that the future of my country is at stake."

THE HUNTER CAN NO LONGER HUNT

Mr. BARTLETT. Mr. President, change comes to the tundra of the Arctic as it comes to the green fields surrounding the great urban areas of the Nation.

Perhaps the rate of change is a bit slower, but it nevertheless takes its toll. The old ways are no longer good enough, but there are no new ways to fill the void with a decent standard of living, let alone with dignity.

The people of the Arctic tundra are Alaska natives. Once they were hunters and fishermen. Now the hunter can no longer hunt, but neither can he find a job.

That last sentence was taken from an editorial appearing in the July 27 edition of the Seattle Post-Intelligencer. The editorial calls attention to the plight of these people and calls upon us not to forget the fate of these 60,000 persons.

As the editorial points out correctly, there are no easy solutions to the problems of their plight. These people lack decent homes, good jobs, and a sound education. Efforts are being made or are proposed to help correct these lacks. Still more must be done.

In the past, uninformed persons have derided efforts to help Alaska natives, suggesting somehow that these people do not really count or that it is really fun to live in igloos in the Arctic.

Mr. President, these people count, each and every one of them, for if they do not, then none of us does.

And Mr. President, they do not live in igloos. No, they live in some of the worst slums on the face of this earth.

I echo the call of the Seattle Post-Intelligencer not to forget these people, for if we do, we forget all that is good and noble in man.

I ask unanimous consent that the editorial from the Seattle Post-Intelligencer be placed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Seattle (Wash.) Post-Intelligencer, July 27, 1966]

ALASKA'S APPALACHIA

A myriad of problems faces the people of the United States at home and overseas, many of them appearing nearly insoluble, most requiring long-range, high caliber planning.

Among these troubles is one right at our side door, so to speak, a problem scattered, in terms of people, across most of the sprawling land of Alaska.

It is the question of the future of native population of Alaska, one-third of the people of that state.

It is a problem that must not be overlooked in the press of matters that, at the moment, may appear more weighty. And it is one, also, that requires the most exquisite of planning over a generation or more.

Bluntly, most of the native peoples of Alaska—Eskimo, Aleut, Indian—are living in the 19th Century—economically, physically, mentally.

They are American citizens but most of them have no part of the America of the latter third of the 20th Century.

Their sons die in Viet Nam but their illiterate families could not find that unhappy land on a map—if they had a map.

The hunter can no longer hunt . . . but neither can he find a job.

Time and again, if it were not for the largesse of state and federal government, starvation would creep through the villages, through the helter-skelter of shacks that make most of the dying towns of Appalachia look like the Gold Coast.

There is no easy solution to the problem of the future of these people of Alaska any more than there is an easy solution to most of the problems that beset us.

The future of racial minorities in the United States quite literally is a burning question.

But in our preoccupation with the future of a minority of some 20 million persons, let us not lose sight of the fate of some 60,000 other Americans in their villages lost in forest and tundra and foggy island.

INTERSTATE HIGHWAYS

Mr. COOPER. Mr. President, in the August 1 issue of Newsweek magazine, Mr. Raymond Moley has written an interesting article entitled "Interstate Highways."

In this article, the author traces the development of our national system of Interstate and Defense Highways as first proposed by the Eisenhower administration in 1954, and the results the Interstate System has achieved not only in connecting our cities through a great network of highways, but also by incorporating safety features of highway construction that provide the Interstate System with the best safety record of all our highways.

Mr. Moley pays tribute to the excellent work of Mr. Rex Whitton, Federal Highway Administrator since 1961, an opinion which I also share.

With the passage last week of the Federal Aid Highway Act of 1966, this article could not be more timely.

I ask unanimous consent that it be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTERSTATE HIGHWAYS

(By Raymond Moley)

It may be that as the years pass Dwight D. Eisenhower's most enduring service to his country will be regarded as his sponsorship of the great new Interstate Highway system. For he first proposed its creation in 1954 and after long consideration and debate he signed the final legislation which launched the vast project. When completed, this system will transform the face of the nation, bring scores of cities closer through speedy, safe and comfortable automotive travel, facilitate commerce among the states and offer inexpensive recreation for millions of people.

It is a relief after the long preoccupation last winter and spring over the sanguinary matter of highway accidents, and now while the tourist season is at its height, to consider what is right about our highways.

Since 1946 I have crossed the nation 31 times by car and from year to year have literally seen the evidences of improvement. I have used almost every route from coast to coast and have crossed a large majority of the states. Ten or more years ago, such a crossing required eight to ten days. Last month I made the round trip in twelve days of comfortable daytime travel. The difference was due to the construction over those years of what is called the National System of Interstate and Defense Highways and toll turnpikes in six states.

TWO PROGRAMS

There has been some Federal aid ever since the great westward migration in the 1820s. But the first systematic plan was not adopted until 1916. In 1944 Congress adopted the concept of a great network to connect many cities and towns. But it was not until the Eisenhower Administration assumed office that the network plan was adopted. It was in 1956 that the present plan was finally passed by Congress and a means of financing it was created.

There are two systems of Federal highway aid. The older one involves grants in varying amounts to help the states and urban areas construct their own highways. The new system is marked by the shields "Interstate," with even numbering for East-West and odd numbering for North-South. The Interstate is the primary system.

When completed, Interstate will include 41,000 miles of uniform construction with wide pavements, depressed dividing areas and landscaping—the epitome of safety, speed and attractiveness. In March of this year 21,000 miles of this system were open to traffic; 5,900 miles were under construction and the remainder were in various stages of planning. Of these, 17,000 miles have been built under the 90–10 sharing of costs between the Federal government and the states. Interstate will be only 1 per cent of the total mileage of roads, streets and highways of the nation. But it will carry 20 per cent of the automotive traffic.

SOUND FINANCING

Various plans were proposed in the 1950s for financing this immense public work. Tolls were considered and rejected, as was financing by bond issues. Finally the present plan of user taxes routed through a Federal trust fund was adopted. Thus the burden does not fall on the income tax and, since it is not financed by bonds, it is only indirectly inflationary.

A total of $25.6 billion has been committed since 1956. When the system is completed the cost will be $46 billion. This will be the greatest government public-works project in the world's history.

Since safety is a major consideration in highway construction, Interstate has a notable record. The ratio of fatalities on this system to those on highways in the same channels of travel is 2–9. In April and June I traveled nearly 10,000 miles, mostly over Interstate, and saw evidence of only one accident, an overturned truck. The driver sustained only bumps and bruises.

The directing genius in this construction since 1961 has been Rex M. Whitton, Federal Highway Administrator. Whitton has been a highway engineer for 40 years. In 1956 as president of the Association of Highway Departments he gave testimony before Congress which materially contributed to the final plan. When Interstate is completed in 1972 the system will be a monument to his capacity as an administrator. And to Dwight D. Eisenhower, whose vision prevailed at the beginning.

TITLE IV OF S. 3296 AND THE GHETTO

Mr. ERVIN. Mr. President, for several weeks the Subcommittee on Constitutional Rights has been holding hearings on the various civil rights bills now pending before it. Much of the testimony we have received has been concerned with title IV of S. 3296, the housing section of the administration's proposed Civil Rights Act of 1966. As all Members of the Senate know, I object to this title on several grounds. However, my concern today is not with arguments against the bill, but rather with the dangerous rhetoric advanced by many of its proponents.

Chief among the reasons advanced for a Federal open occupancy law is the elimination of the so-called black ghetto, a cliche of recent vintage which I take to mean those urban areas predominantly inhabited by members of the Negro race. The use of the term in this fashion is absolutely incorrect. Historically, a ghetto was the quarter of some European cities to which Jews were restricted for residence. There is no law compelling members of any group to congregate in any one quarter of any American city. Under the law of our land, any man of any color possessing financial means can buy and live in any area where there is a willing seller.

There are other forces which cause low income groups of whatever race or religion, to gravitate toward slum areas. And these economic forces are not related to Federal antidiscrimination bills. If they have done nothing else, the subcommittee hearings have proven that title IV can no more eliminate the black ghetto from our cities than I can eliminate the misleading cliche from our vocabulary.

The real problem our cities face is not one of racial segregation, but of substandard housing, of economic opportunities and of education—problems which cut across ethnic lines. Although not the intention of its drafters, the practical effect of the bill would be the integration of slums, a policy that is both unworthy and unattainable.

There are 17 States with open occupancy laws. In not one of these States has the residential pattern changed as a result of those laws; in not one has there been any impact on what is referred to as the ghetto. New York has housing legislation with stronger enforcement procedures even than that proposed to Congress. But Harlem is still there, and it will remain there whether or not we enact title IV. The same is true of a hundred other Harlems in a hundred other cities. To hold otherwise is to exceed the bounds of responsible debate.

There is not one section of title IV that would provide better housing for a single American of any race or religion. The tension in low income Negro areas is already so great that the added frustration which is bound to occur as a result of false promises would make for intolerable situations.

I do not accuse all proponents of using the ghetto argument; I accuse no one of intentional demagoguery. I do say that in overstating their case, many individuals and organizations are playing a dangerous game with the lives and hopes of millions of Americans. I was happy to see in a recent editorial that the New York Times specifically refuted the connection between the so-called ghettos and the civil rights bill. The Times pointed out:

> It makes little sense to argue the bill's merits in terms of the recent riots, for most of the people in the slums will not be affected whether it is voted up or down.

Recently, the eminent columnist, Richard Wilson, wrote on the subject "Practical Steps Needed to Better Negroes' Lot." In his column, Mr. Wilson eloquently states the immediate needs of those in the ghetto and suggested possible remedies. He observes:

> A law library of statutes guaranteeing the right to vote, equal education, equal employment opportunity and access to all public places won't remove the rotten hearts of our cities. The true problems in the slums lie less in constitutional guarantees and moralistic principles than in improved living conditions.

This article deserves study at every level of government, for the author has pointed the way to solutions for real problems. I ask unanimous consent to have Mr. Wilson's column printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, July 22, 1966]

PRACTICAL STEPS NEEDED TO BETTER NEGROES' LOT

(By Richard Wilson)

As was foreseen earlier this year Negro rioting has again broken out in some cities. The common characteristic of these disorders is that they are confined to the areas in which Negroes are concentrated.

Casualties, for the most part, are Negro participants, bystanders, and police who are trying to control the disorders. Negroes have not yet moved out of the ghettoes to "get whitey."

Much hand-wringing and alarmist generalization attends these disorders but very little attention is given to those aspects of the problem for which there are remedies.

That is what the rioting again brings into such tragic focus. Nothing meaningful, or

not very much, is being done to improve the housing and environment in which Negroes now live, and will live for many years. Nor is enough being done to correct the extraordinarily high rate of unemployment among Negroes.

Theorists talk of abolishing the Negro ghettoes and discuss broad concepts of social equality and a dream world of universal inter-mixture and brotherhood. We cannot wait that long. Or, theorists discuss the philosophical differences between non-violence and "black power," and the rise of violence-prone black racist groups who comprise only a small fraction of the Negro population.

But they drag their feet in pursuit of measures for improving the environment in which Negroes live now—not 20 or 30 years from now but today, not in some intermixed community of tomorrow but in the ghettoes that will continue to exist for many years.

Recent rioting in Omaha, Neb., is a case in point. Three years ago Negroes demonstrated for more jobs. Civic-minded groups drew up articulated plans to train Negroes for jobs they could fill. The outlook was good. After the recent rioting, a check with those who had drawn up the plans of three years ago revealed that virtually nothing had been done to execute them.

Vice President HUBERT H. HUMPHREY can perhaps be forgiven for the imprudence of his recent remarks that if he had to live as so many Negroes live "with rats nibbling on my children's toes" he might "lead a mighty good revolt himself." The vice president is sometimes given to overstatement when he is exasperated, and it is clear that he is exasperated over the lack of progress in getting on with specific actions that can be taken to relieve the intolerability of life in the slums.

Some of these actions are so very simple—portable swimming pools, lighted playgrounds, transportation, entertainment centers for example. Other actions will require extensive planning and massive expenditure of federal and local funds.

A quick look at the Watts area in Los Angeles, with its unsatisfactory but relatively tolerable living conditions, causes one to wonder what could happen in the inexpressibly worse areas of New York, Washington and Chicago. Life in some of these areas is simply intolerable, the very ragged edge of existence.

These conditions make the current debate in Congress on open housing guarantees seem as if on another planet. Only a small percentage of Negroes have the resources to escape from the slums into better residential neighborhoods. With or without the federal open housing guarantee, they will live in slums that are growing worse and bigger by the hour.

What was true after the Watts rioting in Los Angeles a year ago is even more true today. "A law library of statutes guaranteeing the right to vote, equal education, equal employment opportunity and access to all public places won't remove the rotten hearts of our cities. The true problems in the slums lie less in constitutional guarantees and moralistic principles than in improved living conditions."

The festering centers in the cities that breed crime, degradation and disorder threaten the safety and welfare of the whole community. Prompt action is imperative. This means massive programs for improved education and keeping Negro children in school whether integrated or non-integrated, massive efforts to restore the stability of Negro family life. Most of all, and immediately, it means physical improvement of the Negro areas, relief from overcrowding, poor sanitation, rat infestation, frightful housing. It means beautification and cleaning up.

It means getting on with the correction of specific and visible evils and less preoccupation with the sociological and psychological mysteries of the white-colored relationship that our great grandchildren will still be discussing.

ROLE OF SMALL BUSINESS ADMINISTRATION IN NATIONAL ECONOMY

Mr. PELL. Mr. President, it has been little more than 60 days since President Johnson appointed a new Administrator to head the Small Business Administration.

In that time, under the dynamic leadership of Bernard L. Boutin, the agency, I am happy to say, has taken on a new and vigorous look, ending all talk of merging SBA with another Government agency. Such a merger would have deprived the small businessman, who plays an important role in America's economy, of a strong voice in government. As you know, I have been highly critical of any attempts to deprive the small businessman of an independent voice.

I, as a stanch supporter of small business, am pleased to see that the agency is now ready to provide a strong, permanent voice for small business, a voice that will speak loudly and clearly.

Small businessmen traditionally have been independent. Nevertheless, they sometimes need help so that their firms can grow and prosper. No one knows this better than Mr. Boutin, who for many years was a small businessman in Laconia, N.H. Utilizing his knowledge of the needs of small business, he is helping to better prepare SBA to assist small businessmen, either financially or through management assistance.

At the swearing-in ceremony for the agency's new Administrator in May, President Johnson announced that the moratorium on SBA regular business loans was being lifted. Since that time the agency has provided financial assistance totaling more than $17 million to more than 600 small businesses. In the last 2 months the agency has also made more than $1 million in disaster loans to residents of Topeka, Kans., who lost their homes and businesses as the result of a tornado.

These figures, however, tell only part of the story. Much effort is being put forth now to humanize the agency, to make it more responsive to small businessmen seeking its assistance.

I have learned that SBA field personnel now sit down with every businessman coming into their offices to discuss his needs. They then outline programs available to him and the ones best suited to solve his problems.

In some cases a loan is in order; in others management assistance is needed. Often both forms of aid are necessary. A loan may be of little value if the recipient does not receive management assistance to teach him to run his business more efficiently.

Whatever his needs require, the small businessman can now count on SBA for sound, sympathetic advice.

In addition to the assistance rendered by regular SBA personnel, small businessmen can also receive management aid from members of SCORE, the agency's service corps of retired executives. These dedicated men have provided invaluable assistance to small businessmen who need the advice of experienced hands.

SBA has long needed to force stronger links with the business community, so that small business can profit both financially and intellectually from the resources of both the Federal Government and big business. I am glad that the agency is now moving in this direction.

SBA is trying to sell banks its sound loans, guaranteed up to 90 percent.

The agency is also trying to interest banks in making more loans to small businesses without agency participation. The ultimate goal, Mr. Boutin has said, is "to lend no Federal money when private funds are available."

Banks, however, are not the only nongovernmental institution with which SBA is working to help the small businessman.

The agency is putting increased emphasis on its State and National advisory boards. These groups can help explain SBA's program to the small businessman and, in turn, can tell the agency what the small businessman has on his mind. This strengthened link with small business will enable SBA to better cope with the ever-changing problems of the people it serves.

SBA is also placing increased emphasis on assistance from educational institutions. The business schools of our country can render a great service to small businessmen through their management courses and business counseling. This resource has scarcely been tapped. SBA is attempting to utilize it to the maximum extent.

The new Administrator has taken still another step to strengthen SBA through a new approach to choosing among loan investments. This approach will take into account the impact a loan will have on national goals.

In line with this, the agency has established certain lending objectives. They include:

Loans to businesses in areas of substantial or persistent unemployment.

Loans that will result in a reduction in the balance of payments through export sales.

Loans that help achieve such national goals as reduction of air or water pollution or development of federally owned recreation lands.

Loans in the public interest, based on local needs, which clearly help strengthen the local economy.

These objectives are all of equal merit. They are vital to the future growth of this Nation. I am happy to see SBA make them a criteria for granting loans.

Despite the adoption of these equal priorities, SBA will still base its final decision on approving a loan on the merit of the application. This is as it should be. Applicants with good proposals will not be penalized because they happen to fall outside the priority categories.

In the past, SBA has had some problems with the small business investment companies it licenses. These firms, some of which receive Government loans, have lent nearly $1 billion to small business in more than 20,000 separate financial transactions during the past 8 years.

As soon as Mr. Boutin took office he began to look into the problem SBIC's. He has tightened up the inspections of each firm, ordering an examination of every one within the next 4 months. In addition, he has ordered a revamping of SBA's accounting system so that more accurate records on the SBIC's can be kept.

The new Administrator has also ordered a thorough review of regulations governing the SBIC's to take place within the next 2 months.

These are only a few of the steps he has taken to deal with these firms.

I feel certain that with Mr. Boutin riding herd the difficulties will be ironed out, and the SBIC program will be stronger as a result.

The rural small businessman, who frequently has to play second fiddle to his urban brother, has not been neglected in the reshaping of SBA.

Through the agency's local development program—commonly referred to as the 502 program—SBA is focusing on aiding business in towns with populations of less than 50,000.

This program has helped put many towns back on their feet after they have been struck by economic disasters, such as loss of their major industries.

Any community that wishes can form a development corporation and help itself through the 502 program.

In appointing Mr. Boutin to head SBA, President Johnson told him "to remember the real value of the people" who are going to come through the doors of the agency's offices. Mr. Boutin is heeding the President's words.

With his leadership, I am confident SBA will prove its value as an independent agency that is responsible and responsive to small business.

Mr. President, I ask unanimous consent to insert into the RECORD at this point a statement of the Small Business Administration of New England, Inc., presented by Ernest H. Osgood, Jr., president, on July 20 of this year before the House Select Committee on Small Business.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SMALLER BUSINESS ASSOCIATION OF NEW ENGLAND, INC., PRESENTED BY ERNEST H. OSGOOD, JR., PRESIDENT

(Before the Select Committee on Small Business of the House of Representatives, July 20, 1966, concerning the views of our organization on the role of the Small Business Administration in our National economy and the effectiveness of its programs in the interests of small business.)

Gentlemen: Our Association welcomes this opportunity to appear before you today and express our views on the Small Business Administration. Nearly a decade and a half ago, when the Small Business Act was being shaped, SBANE worked closely with the Congress in developing an agency that could best meet the needs of small business.

Today, we ask consideration of the following suggestions designed to improve the effectiveness of this vital agency in assisting small business.

DURING NATURAL DISASTERS THE SBA SHOULD BE CONCERNED SOLELY WITH SMALL BUSINESS LOANS

The passage of legislation in this session of Congress to amend the Small Business Act to create separate funds for business disaster loans was rejoiced by all who are disturbed by the curtailment of the direct loan program in 1964 and 1965.

However, the effect of natural disasters also results in the temporary transfer of SBA loan processors and appraisers from throughout the country to administer the disaster loan program causing serious manpower shortages.

Our Association believes rapid movement of SBA personnel into a disaster area to help small business is commendable. However, this transfer of personnel, worthy as it might have been, resulted in reduced operations in other sections of the country which in turn effected adversely the overall SBA program.

It is of interest to note that as of January 18, 1966 the SBA in Louisiana had granted 20,600 loans for $72,500,000 to homeowners or persons losing household effects as a result of hurricane "Betsy" and 1,100 loans for $22,000,000 for owners of businesses.

SBANE does not believe it was the intent of the Congress in 1953 to place the SBA in the home loan program and would recommend that a study be made to determine if some other agency should administer these residential loans. We suggest that possibly the Federal Housing Administration or Savings and Loan banks with their experience and expertise might be more ideally equipped to handle such loans.

SBA LOANS TO SMALL BUSINESS DISPLACED BY STATE AND LOCAL GOVERNMENT

Under an existing program the Small Business Administration is able to make loans available at reduced interest rates to businesses displaced by Federal programs such as Urban Renewal, highways, etc. However, a small business that suffers serious economic loss because of a State or local project does not enjoy this loan assistance. SBANE recommends that this Committee support expansion of Section 7(b)(3) of the Small Business Act to allow equally deserving small businesses displaced by State or local projects an eligibility for loans on the same basis as those affected by similar Federal projects.

SALE OF SURPLUS U.S. GOVERNMENT MACHINE TOOLS TO SMALL BUSINESS

Our Association asks that consideration be given by the Small Business Administration to establishing a program that would make available U.S. Government surplus machine tools and related equipment for sale to small business.

There is presently a critical shortage of machine tools in the United States in many categories. Rising demand for this equipment has resulted in some machine tools 20 years old selling at a higher price than when new. Small Business is at a disadvantage when ordering new machine tools because of a lack of priority when not involved in prime contracts. The waiting period for delivery of this new equipment is from 12 to 18 months at a time when, due to the Viet Nam crisis, efficient and timely production by small business manufacturers is even more important to its existence.

It has been estimated that government owned surplus in plants and warehouess number over 100,000 tools.

Much of this machinery, which is in good condition, would if made available to the small manufacturing firm enable it to improve its production and in many instances improve the accuracy and quality of the final product. This in turn would enhance the overall efficiency of our arms program.

We feel that under the able direction of the new Administrator, Bernard Boutin, this program could be developed and implemented without delay. The selling price formula could be implemented on the basis of the system used after World War II under the War Assets Program.

REINSTATEMENT OF SBA SET-ASIDE PROGRAM AND PCRS

Once again, SBANE strongly urges your support of a measure that will reinstate the Small Business Administration's Set-Aside Program and Procurement Center Representatives. Last year the number of Small Business Administration PCRs were reduced from 46 to 14 by the Administration, thus eliminating SBA's role of initiating small business set-asides.

In our judgment, this move was ill-conceived and will mean a substantial reduction in the amount of government procurement exclusively restricted to small business at a critical time when defense requirements are increasing to support the conflict in Viet Nam.

Each year the SBA has been achieving greater amounts in set-asides by dollar value. The set-asides are largely responsible for the reversal of the downward trend in the percentage of prime contracts awarded to small business. In the fiscal year 1965, 51,556 joint set-asides were made with an estimated value of $3,051,057,000. This is the largest amount of any previous year, and accounts for approximately 20.3% prime contracts being awarded to small business in 1965 as compared with 18% in 1964. In view of the growing success of this program, SBANE cannot understand any reasons for its discontinuance.

The removal of SBA PCRs denies small concerns an independent champion for its interests in government procurement agencies. Although the surveillance program agreed to by the SBA in the Department of Defense may yield some constructive results, it cannot, nor is it intended to, replace the set-aside program now being handled on a unilateral basis in the procurement centers. Under the present system small business specialists at the Center now initiate set-asides to the contracting officers. In many instances, these contracting officers are the people to whom they report in the performance of collateral duties. SBANE appreciates the helpfulness of the small business specialist, but recognizes that no man can equitably serve two masters.

PARTICIPATION OF SBA WITH RELATED GOVERNMENT PROGRAMS

On September 14, 1965, Public Law 89–182 was enacted "to promote commerce and encourage economic growth by supporting state and interstate programs to place the findings of science usefully in the hands of American enterprise."

This important bill was written without mention of any role for the Small Business Administration despite similar assistance offered in Section 9 of the Small Business Act.

Our Association believes that any federal legislation of particular interest to small business should be brought to the attention of the SBA to avoid duplication of existing programs. The SBA's experience should be used in developing such legislation and providing the personnel to assist in the execution of such legislation.

SBANE recommends that closer liaison be developed within the government so that the valuable resources of the SBA will be utilized in all programs that will be especially useful to small business.

REINSTATE LOAN PROGRAM TO PREVIOUS LEVELS

Our Association was pleased to hear President Johnson announce at the swearing-in ceremony of Administrator Boutin on May 19th, that the SBA would resume accepting regular business loan applications in a week. The resumption of this program is especially important in view of the tight money market and its effect on small business.

However, the loan program is still under curtailment compared to previous levels. The direct loan program is limited to $50,000 compared to its former $350,000 ceiling. In New England the bank participation loans of 25% are in greatest demand due to the

shortage of money, but in this area limit is $100,000 compared to its former $350,000. Although the loan guarantee program is set at $350,000 many banks do not have the resources since it requires their money.

We ask that the loan program be restored to the previously set ceilings without additional delay.

CONSIDERATION OF LOCAL NEEDS IN SETTING PRIORITIES

Under the prevailing system of granting loans by priorities established in May, defense-oriented firms receive first preference, followed by loans that increase employment, boost export sales, reduce water and air pollution and firms contributing to the public interest based on local economic needs.

SBANE does not believe there is anything intrinsically wrong with the priority system but would recommend greater participation on the local level in establishing these goals. Presently, the priorities are nationwide and we believe there might be some merit to allowing each Area Administrator to set priorities best suited to his region, especially if it encourages diversification of industry.

For example, many sections of New England are heavily involved in defense-oriented businesses. Giving defense first priority will create an unbalanced situation as other types of business in different sections in such fields as consumer goods might well be more deserving of priority for the good of one regional economy. Undoubtedly, in many sections of the country there are other cases where a more flexible, regionalized priority system would result in more diversity.

EXPANSION OF LEASE GUARANTEE PROGRAMS

Under Section 316 of the Housing and Urban Development Act of 1965 the SBA was authorized $5,000,000 for lease guarantees to specified classes of small businesses displaced by eminent domain and businesses covered by Title 4 of the Economic Opportunity Act. We understand this program will soon be implemented by the SBA. SBANE recommends your consideration to extending the coverage of lease guarantees.

Members of our Association have experienced great difficulty in meeting the finanical requirements of shopping center owners. The results have been the exclusion of small businesses from these lucrative locations in many instances. We ask the committees assistance in broadening the eligibility of such guarantees.

TRANSFER OF SBA TO COMMERCE DEPARTMENT

Our Association continues to be concerned by rumors that have persisted for over six months that the Small Business Administration will be stripped of its independent status and placed within the Department of Commerce.

In spite of the assurance that any action formerly contemplated along these lines had been shelved, we continue to receive reports that this move is not yet beyond the realm of possibility.

During the several years that the Smaller Business Association of New England worked closely with both the Senate and House Select Small Business Committees on establishing the SBA, the feeling was unanimous that an independent organization was an absolute necessity. In fact, our Association and many Congressmen would have voted against the 1953 Act if it had not provided that this body would be independent and directly under the control of the President. We all remember when agencies for small business existed within the Department of Commerce several years ago only to be relegated to obscurity in a department traditionally concerned with big business.

We concur with the expressions of Administrator Boutin in a recent speech before the National Advisory Council when he said, ". . . the SBA cannot be the strong and effective voice of small business within the Government unless it maintains its position as an independent agency of this Government."

During the past year the Small Business Administration has faced several serious problems such as the stoppage in the direct loan program, extended vacancy in the office of administrator and threats of the SBA becoming a part of the Commerce Department. Constructive measures have been taken to correct all of these situations and we are hopeful that a more healthy and vigorous SBA will emerge.

Our Association is especially pleased to have a man of the qualifications and experience of Bernard Boutin as the new SBA Administrator. We are confident his leadership will give added stature to this vital agency.

The concern and constructive efforts of this Committee under its distinguished Chairman, JOE EVINS, in the interests of small business everywhere has been most gratifying to SBANE and we look forward to continuing our close working relationship.

In the areas presented by SBANE today there are special sub-committees, composed of executives in small business, which will willingly provide more detailed information for your committee.

Thank you and we hope our recommendations will be useful in your study of the Small Business Administration.

THE UNFAIRNESS OF PROPOSED INTERNAL REVENUE SERVICE REGULATIONS ON TEACHERS' EXPENSES

Mr. YARBOROUGH. Mr. President, the Internal Revenue Service is proposing changes in its regulations concerning the deductibility of educational expenses for teachers. These regulations would substantially reduce the expenses which teachers could deduct, and would be quite unfair to them. For example, under present regulations, once an employee satisfies his employer's requirement for a minimum education, any courses which he must take as a result of changes in that minimum are deductible. Under the proposed regulations, if the minimum were increased, expenses for courses which the teacher would take to meet the new requirement would not be considered for deduction. In addition, if courses taken by a teacher qualify him for a different or better position in his school system, the expenses involved will not be deductible, even if the teacher had no intention of seeking an improved position when he took the courses.

Mr. President, I have received quite a few complaints from teachers and school boards about the effect of these proposed regulations on teachers. One of the most detailed and specific communications I have received is from the Laredo, Tex., Independent School District. I ask unanimous consent that the resolution adopted by the board of trustees of the Laredo School District and the covering letter from Mr. J. W. Nixon, superintendent of the Laredo public schools, be printed at this point in the RECORD.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

LAREDO PUBLIC SCHOOLS,
Laredo, Tex., July 20, 1966.

Hon. RALPH W. YARBOROUGH,
U.S. Senator,
State of Texas,
Senate Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: On instruction from the Board of Trustees of Laredo Independent School District, I am writing you concerning the recent proposed rule of the Department of the Treasury of the United States which in effect would declare as non-deductible from Income Tax Returns those expenses incurred by a teacher or professor in improving their educational skills in connection with their teaching professions.

It is very clear that this curb on the incentive for a teacher to improve his or her teaching capabilities will reflect detrimentally on the entire teaching profession and result in a still further handicap in obtaining and retaining qualified teachers in the school systems of the country. It is felt that the benefits of the increased revenue obtained from this proposed ruling is far outweighed by the almost certain lowering of the educational standards through a disinclination of most teachers to pursue their educational careers.

I am enclosing a resolution adopted by the board of trustees expressing much of the sentiments above set out and most earnestly and sincerely request you help in seeing that this proposed ruling, as it affects the teachers, will not be adopted by the Treasury Department.

Very truly yours,

J. W. NIXON,
Superintendent, Laredo Public Schools.

RESOLUTION ADOPTED BY THE BOARD OF TRUSTEES OF THE LAREDO INDEPENDENT SCHOOL DISTRICT

Whereas, it has been made known to the Board of Trustees of the Laredo Independent School District that a proposed rule of the Treasury Department of the United States, if adopted, would in effect deprive teachers from deducting from their Income Tax Return expenses incurred in furthering their educational pursuits; and,

Whereas, it is the opinion of the Board of Trustees that such rule, if adopted, would serve as a curb on and seriously hamper teachers and professors in bettering their skills and knowledge as teachers and would operate as an obvious detriment to the entire teaching profession throughout the entire country; and,

Whereas, it is felt by the Board of Trustees that they should make known to the properly elected officials their opposition to this proposed rule; Therefore,

Be it resolved that the Board of Trustees of the Laredo Independent School District go on record as being unalterally opposed to said proposed rule of the Treasury Department of the United States and the Superintendent of the Laredo Public Schools communicate to the United States Senators from Texas and the United States Congressman as well as the Senator and Representative, this expression of the Board, with an accompanying copy of this resolution.

Adopted by the Board of Trustees of the Laredo Independent School District, at a regular meeting this the ——— day of ——— 1966.

LAREDO INDEPENDENT SCHOOL DISTRICT.
By: HAROLD R. YEARY, *President.*
Attest:

R. J. GOODMAN,
Secretary.

Mr. YARBOROUGH. Mr. President, I am quite sympathetic to the complaints raised in this and other letters I have received. Last year I cosponsored S. 1203, which would allow teachers to deduct educational expenses from their gross income for tax purposes. I have also written to Commissioner of Internal Revenue Cohen to state my opposition to portions of the IRS's proposal. Teachers who have served many years and have devoted their lives to their students and their schools will find that expenses involved in maintaining their positions are

no longer deductible. Members of other professions are not treated this way in the tax regulations, and there is no reason why teachers should be subjected to the proposed rules. Teachers should be allowed considerable latitude in the means they choose to improve their teaching. The IRS proposal would severely restrict their choice.

Mr. President, I ask unanimous consent that a copy of my letter of June 22, 1966, to the Internal Revenue Service be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 22, 1966.

Mr. SHELDON S. COHEN,
Commissioner, Internal Revenue Service, Washington, D.C.
(Attention: CC:LR:T).

DEAR COMMISSIONER COHEN: I am writing to state my opposition to portions of the Internal Revenue Service's recent Notice concerning the deductibility of educational expenses.

Information supplied to me by the Internal Revenue Service indicates that a teacher will no longer be allowed to deduct expenses incurred in meeting increased minimum education requirements set for his position at his initial employment.

This proposal is extremely unfair to teachers, most of whom have worked extremely hard to meet the minimum requirements of their jobs. Many have also served many years, devoted their lives to their students and their schools, only to find that they now have to attend more courses or obtain a new certificate in order to keep their present position. I think it unreasonable for the Internal Revenue Service to say that expenses in connection with increased education requirements for teachers will no longer be deductible. Other professional workers, such as lawyers and accountants, are able to deduct expenses for a broad range of institutes, seminars, and courses, and will be able to under the changes proposed. Teachers should be treated on the same level; they are no less professionals than others who have been able to benefit from these provisions and will be able to do so in the future.

It is my understanding that the Internal Revenue Service will not allow deductions for expenses for courses which qualify a person for a different or better position in his school system, or for a better salary, even though this was not the intention of the teacher when he enrolled for the course or courses involved. I also take exception to this interpretation. Teachers should be able to have considerable latitude in the educational means they choose to improve their teaching, regardless of the job consequences, good or bad, of such additional work on their part.

I strongly urge that these portions of the proposed changes in the regulations be eliminated, and also request that you develop regulations which will allow teachers to claim all legitimate educational and other related expenses they incur.

Sincerely yours,

RALPH W. YARBOROUGH.

THE LATE FORMER SENATOR HAZEL ABEL, OF NEBRASKA

Mr. CURTIS. Mr. President, I wish to speak concerning a former Member of this body, Senator Hazel Abel, who died in a Lincoln, Nebr., hospital on Saturday, July 30, 1966.

Senator Abel's service in this body was short, but it was impressive. She had a broad grasp of public questions. She possessed a very keen mind, and she was representative of everything that is fine and good in our country.

Senator Dwight Griswold, of Nebraska, died in the spring of 1954. Senator Abel was elected to fill out the unexpired term on November 2, 1954. She received 233,589 votes as against the Democratic candidate who received 170,823 votes. That election will be remembered by many Nebraskans. It was on that day that Nebraska elected three U.S. Senators. My senior colleague, Senator ROMAN HRUSKA, was elected to fill the unexpired term of 4 years plus of the late Senator Hugh Butler. In addition to Senator Abel and Senator HRUSKA, I was elected to the U.S. Senate on that day for a full 6-year term.

Mr. President, all of Nebraska and many fine Nebraska institutions owe a great debt of gratitude to Mrs. Abel for her generosity, her help, and her leadership. I, as an individual, am greatly indebted to her. She was helpful to me in many ways, and she resigned her seat in the U.S. Senate effective at the end of the day of December 31, 1954, so that I might become Nebraska's Senator on January 1, 1955.

Senator Abel was a distinguished businesswoman. She was prominent as a civic leader. She was a philanthropist. She helped many individuals and many causes that were never publicized. Hospitals, colleges and universities, churches, youth organizations, and a multitude of worthy individuals were the recipients of Mrs. Abel's time, talent, and money.

Many honors came to Mrs. Abel. In 1957 she was American Mother of the Year. In the same year she received the Distinguished Service Award of the Native Sons and Daughters of Nebraska. In 1958 she received the Distinguished Citizen Award from Nebraska Wesleyan. The University of Nebraska gave her a Distinguished Service Award in 1944 and an honorary doctorate degree was given to her by Doane College in 1955.

Mr. President, Nebraska and the Nation has indeed lost one of its stalwart citizens. I know that I speak for this entire body in extending to her family our words of sincere sympathy.

Mr. President, I wish to extend my remarks by including the account of Mrs. Abel's death which appeared in the Omaha World Herald and the Lincoln Journal. Both articles were published on July 31, 1966.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MRS. HAZEL ABEL DIES; STATE LEADER

Mrs. Hazel Abel, 78, of Lincoln, whose successful business and political careers were capped with a term in the U.S. Senate, died Saturday night at a Lincoln hospital.

She had reportedly been at the hospital for several days.

Mrs. Abel was elected at a 1954 general election to fill the two months unexpired Senate term of the late Dwight Griswold, former Nebraska governor.

She was the first Nebraska woman and the third in history to be elected to the U.S. Senate.

Her other political venture was a campaign for governor in 1960, when she finished second in the Republican gubernatorial primary.

Following this defeat, she never became active in Nebraska politics.

MOTHER OF YEAR

Named American Mother of 1957, Mrs. Abel also received that year the distinguished service award of the Native Sons and Daughters of Nebraska and in 1958 the Nebraska Distinguished Citizen Award from Nebraska Wesleyan.

She was chairman of the board of Abel Investment Co. after serving as secretary of the Abel Construction Co. from 1916 to 1936 and president from 1936 to 1951. She had also been president of the George Philip Abel Memorial Foundation.

In May, 1958, she was elected vice president of the American Mothers Committee.

During that month, she was named to the resolutions committee for the 10th biennial convention of the National Federation of Republican Women. She was Nebraska president at that time.

In July, 1958, she accepted chairmanship of the fund-raising campaign for the construction of the W. K. Kellogg Center at the University of Nebraska.

She was chairman of the 1958 Governor's Committee for Youth and a delegate to the White House Conference on Education.

STATE CHAIRMAN

Mrs. Abel was state chairman of the committee working for the Juvenile Court Amendment and vice president of the Lincoln Centennial.

She had been a member of boards of directors for Doane College, Hastings College and Nebraska Wesleyan University.

The Plattsmouth native had also been a former member of the First-Plymouth Congregational Church board of trustees.

She enrolled at the University of Nebraska at the age of 15, graduating in 1908 with a major in mathematics, a B.A. degree and a teacher's certificate.

For 10 years before her marriage to George P. Abel she taught in several Nebraska secondary schools.

After her marriage in 1918, Mr. and Mrs. Abel moved to Lincoln into the house in which Mrs. Abel lived until her death.

For many years Mrs. Abel had been on the board of directors and executive committees of the Community Chest and Red Cross.

HOSPITAL POSTS

She was also a director of Lincoln General Hospital, and for one year was president. She also was president of the Hospital's women's auxiliary.

Mrs. Abel has been president of the Lincoln Branch of the American Assn. of University Women, Parent-Teachers Assn. and Native Sons and Daughters of Nebraska.

She was also a key leader in the Nebraska League of Women Voters, the Lincoln YWCA, Lincoln Camp Fire Girls, Lincoln Girl Scout Council, National Board of Camp Fire Girls, and the Women's Division of the Lincoln Chamber of Commerce.

Survivors include a son, George P. of Lincoln; four daughters, Miss Alice Abel of Lincoln, Mrs. Gene (Hazel) Tallman of Lincoln, Mrs. Harry (Helen) Ragen of San Diego, Calif., and Miss Ann Abel of Nice, France; a brother, Eugene Hempel of San Bernadino, Calif.; a sister, Mrs. A. J. Sistek of Omaha; and seven grandchildren.

Services are pending at Roper and Sons' Mortuary.

DEATH TAKES EX-SENATOR HAZEL ABEL—NEBRASKAN, ALSO ONCE MOTHER OF YEAR

Mrs. Hazel Abel, the only woman elected to the United States Senate from Nebraska, died here Saturday evening at the age of 78.

Mrs. Abel was the widow of George P. Abel. After he died in 1936, she became president of the Abel Construction Company, a post she held until her son, George P. Abel, Jr., assumed it in 1951.

Among her other honors was her selection as American Mother of the Year in 1957.

She was also Nebraska Mother of the Year that year.

BORN IN PLATTSMOUTH

A third-generation Nebraskan, she was born in Plattsmouth on July 10, 1888, daughter of a Burlington Railroad employe, Charles Hempel. Her paternal grandfather fought in the Civil War.

She was graduated from Omaha High School (now Omaha Central High) in 1904 at age of 15. The University of Nebraska would not accept her at that age, so she waited a year and then graduated in three years.

She was a high school principal at Papillion, Ashland and Crete and taught mathematics at Kearney High School before marrying Mr. Abel in 1916.

SUCCEEDED EVE BOWRING

She served as secretary of the Abel Construction Company from 1916 until 1936. Later she was chairman of the board of the Abel Investment Company and president of the George P. Abel Memorial Foundation.

In the fall of 1954, she was elected to serve the unexpired two months of the term of Senator Dwight Griswold, who died that spring. As the first woman elected to Congress from Nebraska, she succeeded the first woman to represent the state in Congress, Eve Bowring of Merriman, who was appointed when Mr. Griswold died.

CENSURED M'CARTHY

Mrs. Abel resigned on December 31, 1954, allowing CARL CURTIS, who had been elected to the seat for a full term, to be appointed a few days before other freshmen Senators began to serve, thus gaining in seniority. Mrs. Abel had supported Mr. CURTIS in his campaign.

Probably her most important act as a Senator was to vote for the motion to censure Senator Joseph McCarthy (Rep., Wis.). She made a point of listening to "every single minute" of debate on the censure motion and was the first Senator to vote on it. Nebraska's other Senator, ROMAN HRUSKA, voted against it.

SUPPORTED EISENHOWER

In 1956, she was chairman of Nebraska's delegation to the Republican National Convention, where she supported President Eisenhower's and Vice-President Richard Nixon's re-nomination.

In 1960 she sought the Republican nomination for Governor, but was defeated in the primary by State Senator John Cooper of Humboldt.

She was a member of First Plymouth Congregational Church of Lincoln, and served on its board of trustees.

At various times she also served as trustee for Lincoln General Hospital, Doane College, Nebraska Wesleyan University, Hastings College and the University of Nebraska Foundation.

U.N. AWARD IN '44

She received the U.N.'s distinguished service award in 1944, an honorary Doctor of Humane Letters from Doane College in 1955 and the distinguished citizen award of Nebraska Wesleyan University in 1958.

Survivors include her son and four daughters: Alice Abel of Lincoln, Mrs. Gene (Hazel) Tallman of Lincoln, Mrs. Harry (Helen) Ragen of San Diego, Cal., and Ann Abel of Nice, France; a brother, Eugene Hempel of Santa Barbara, Cal., a sister, Mrs. A. J. Sistek of 605 Beverly Drive, Omaha; and seven grandchildren.

WHERE IS ESCALATION LEADING US?

Mr. HARTKE. Mr. President, although it has not been called a new step in escalation of the war in Vietnam, I think there can be little doubt that our bombing of the demilitarized zone in Vietnam this week is in fact another new step-up in escalation.

We are told that this is a military necessity, that the zone which is supposed to be militarily free under the Geneva agreements, and which until now has not been deliberately bombed, is harboring enemy forces we must destroy.

This has been the plea—military necessity—each time we have expanded further our operations in Vietnam. When we began the bombing of North Vietnam in February 1965, we were told that the rate of infiltration from north to south was about 1,600 men a month, and that our air strikes would halt or slow that flow. But within a few months we learned that, far from that being the case, the rate of filtration had tripled to 4,500 or 5,000 men a month.

I have said before that escalation breeds escalation. The President has said repeatedly that "we seek no wider war," but our constant increase of military pressure is widening that war. There is good reason to believe that we are moving our forces constantly upward toward a projected mark of at least 800,000.

The result is that, declarations of war or their lack notwithstanding, we now have far more than guerrilla skirmishes, far more than a peacekeeping operation, far more than subsidiary support for the South Vietnamese forces. In looking at these facts the New Republic recently spoke out editorially.

In the course of doing so, the editorial noted the belief of Gen. Ben Sternberg, who commands the 101st Airborne Division, that 500,000 more U.S. troops are needed in Vietnam. Will this further escalation draw in, not just the present 12 North Vietnamese regiments now engaged, but the 300,000-man army which it has in existence? Will this bring us to a further escalation, perhaps a million of our boys? Will it bring the "military necessity" for landing of troops in the north? Will it bring the land war with China we have long sought to avoid?

These are gloomy possibilities, fearful to consider, but logical and all but inevitable under our present policy. In the meantime, we have a war psychology growing apace, a war economy coming into being, and, as the editorial is entitled, "The War President."

Mr. President, I ask unanimous consent that the editorial from the July 16 issue of the New Republic may appear in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New Republic, July 16, 1966]

THE WAR PRESIDENT

In Omaha, the day after Hanoi and Haiphong were first hit, the President called on God to forgive his critics, "for they know not what they do." All of us stand in need of enlightenment; human judgment is fallible. Just how fallible, Mr. Johnson illustrates. "We have made it clear," he said, "that we wish negotiations to begin on the basis of international agreements made in 1954 and in 1966"; and, "those who say that this is merely a Vietnamese 'civil war' are wrong. The warfare in South Vietnam was started by the government of North Vietnam in 1959." God forgive us, we don't think so.

As early as 1956, the then government of South Vietnam with the backing of the United States, violated the 1954 Geneva agreements, which provided, among other things, for "general elections which will bring the unification of Vietnam"; it also prohibited "the introduction into Vietnam of any troop reinforcements and additional military personnel." Within two years, Ngo Dinh Diem, with our military aid, had made himself a dictator, smashed all political opposition and spurned elections to bring about unification. The Viet Cong began as an armed rebellion against Diem (of whom the U.S. itself finally tired and in 1963 allowed to be overthrown and murdered by a military junta). Intervention from outside Vietnam has been largely American—so far.

Nevertheless, the President now affirms that he will accept and abide by those Geneva agreements. Why, then, don't the Viet Cong and the North Vietnamese agree to negotiate on that basis? Our hunch is, because they don't believe him, and they may well be right. Actions do speak louder than words, and Mr. Johnson is acting out his determination to preserve South Vietnam as a client state, close to China, so that there may be another link in a solid chain that includes South Korea, Formosa and Thailand. The well-being of the Vietnamese is a secondary concern. They must serve our purpose—the military containment of Peking. That is the objective, and it is nonnegotiable. We therefore cannot, Secretary Rusk informed the SEATO conference in Australia the end of June (and later told Congressman FRANK HORTON [R., N.Y.] on TV), permit the Viet Cong to be formally admitted to a peace conference: that would give them a veto on a settlement; they might haggle over terms, whereas what Mr. Rusk and the President really want is unconditional surrender.

When the bombing of North Vietnam began in February last year, the Pentagon stated that the rate of infiltration from North to South was about 1,600 men a month; air strikes, so the logic then ran, would halt or slow down this infiltration. After 15 months of constant pounding from the air, the infiltration rate is said to have tripled to 4,500–5,500 men a month, and the jungle tracks, according to the President, have become "boulevards." Therefore, the original justification had to be discarded and another found. It was. In his July 6 press conference, Mr. Johnson acknowledged that: "We do not say that [the raids] will even reduce it [infiltration]," but they will make life "more difficult" for the enemy. And so they will.

We have been seeing, week after week, where such logic leads us. The estimate of Peter Arnett, who has been reporting from Vietnam for the Associated Press since 1962, is that by bombing the North and pouring American, Korean and Australian troops into the South, "we can beat the major units of the enemy," but "in so doing, we make very little impact on the other two levels of the war." By "the other two levels of the war," Arnett means the battles of the "very tired" Vietnamese army against "local, homegrown" Viet Cong battalions; and the battles of local militia forces against Viet Cong guerrillas in the mountains, in the Mekong Delta rice fields, and along the highly populated coastal plains. It is at this third level that "the real blood of Vietnam is seeping away," and also "at this level the war could continue indefinitely." The Viet Cong can go on fighting as guerrillas for a long, long time.

American forces, who are "beginning to bear the brunt," according to Arnett, are waging war on the enemy units with vastly superior air power, modern artillery and such refinements as the "cluster bomb unit" that shoots out both napalm and hand grenades. But he warns that in order to destroy the

main enemy units, the US will have to double its forces; "certainly at least twice as many as are here now will be needed." And, he adds, "it will also probably mean the destruction of much of Vietnam—both North and South. As the war grows, the destruction is getting very considerable over the countryside. Villages are being devastated as a matter of course." The end of this road is genocide, with no one left with whom one need negotiate.

Arnett is a top-flight reporter, but he is not a professional soldier. General Ben Sternberg is. Commander of the 101st Airborne, he recently returned from 26 months in Vietnam, where he served on General Westmoreland's staff. General Sternberg sees "no stabilization of the military regime, at least in the near future"; he thinks Premier Ky eventually "will have to go," but "civilian government is not possible in South Vietnam now." He believes that 500,000 more US troops are needed in Vietnam—a total of about 800,000—to seal off infiltration and supplies from the North.

But first, the gamble of victory through air power must be played out, with doubled and redoubled bets, even though the systematic destruction from the air of North Vietnam, as Richard N. Goodwin, former Special Assistant to both Presidents Kennedy and Johnson has pointed out, is more likely to pressure the North into sending into battle its 300,000-man army, instead of the 12 North Vietnamese regiments thus far engaged. This in turn would bring a million or more GIs into the war and make it very tempting to consider landing US troops in the North.

Politicians in both parties meanwhile press the President to "get it over with," hit harder and more often—and hope that a fist in the face of the North will not provoke too brutal a counterpunch. At the moment, official Washington is rather complacent about the danger of Chinese intervention, believing that Peking has enough troubles without borrowing more. It is a hazardous assumption in view of the history of our entrapment in Vietnam, a history that is littered with miscalculation.

Who could have foreseen it? The Great Society exponent, the practitioner of common sense, compromise and consensus, has become The War President—sworn to prevent at any cost one set of Vietnamese (unfriendly, we have guaranteed that) from overcoming other Vietnamese (who could not hold power without us).

A PEACE CORPS VOLUNTEER WRITES OF VIETNAM

Mr. HARTKE. Mr. President, in the considerable volume of mail which I have recently received concerning Vietnam, one letter in particular has appealed to me as deserving of wider attention.

This is a letter which came to me, handwritten on the thin paper of an oversea self-mailer letter sheet, from a Peace Corps volunteer living and working in a southeast Asian country. From the standpoint of a dedicated person, concerned with improving the living conditions of the underprivileged in another land, the writer looks at our actions in Vietnam. Our escalation—and in this there is indication that many others in the Peace Corps have similar feelings—is seen as an embarrassment which undermines the work and morale of this Peace Corps worker.

Mr. President, I ask unanimous consent that the contents of the letter to which I refer may appear in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 15, 1966.

Senator VANCE HARTKE,
Senate Office Building,
Washington, D.C.

DEAR MR. HARTKE: I do not know how to adequately express my vast indignation and shame for the pathetic atrocity of our position in Viet Nam. Continual escalation, such as was recently carried out on Hanoi and Haiphong, cannot from this vantage point be interpreted as anything but an arrogant and childish show of force. The question of who the real aggressor is, could, I believe, stand some clarification.

I am not deluded into thinking that the protestations of a few, or even very many, people, will have any effect upon the dogmatic and power-opulent men in the State Department, Pentagon, and White House. However, I would be pleased to add my name to a list of 12,000 Peace Corps Volunteers who would commit themselves to leave their countries of assignment unless something is soon done about the embarrassing escalation. Although such an action may be slightly radical, I feel it could be one of the few adequate means of significant protest.

Sincerely,

——— ———.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

THE AIRLINES LABOR DISPUTE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the pending business, which the clerk will report.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 186) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes.

The Senate proceeded to consider the joint resolution.

Mr. CLARK obtained the floor.

Mr. MORSE and Mr. MANSFIELD addressed the Chair.

Mr. CLARK. Mr. President, I shall yield first to the majority leader and then to the senior Senator from Oregon [Mr. MORSE].

Mr. MANSFIELD. I was going to suggest the absence of a quorum.

Mr. MORSE. Mr. President, the Senator's resolution is the pending business, and I, by way of an amendment in the nature of a substitute, wish to send to the desk a substitute.

Mr. CLARK. To be called up later?

Mr. MORSE. To be called up later.

Mr. CLARK. Mr. President, I yield for that purpose.

Mr. MORSE. Mr. President, I will have copies of my substitute shortly for the Members of the Senate. This is the first copy that I have obtained from the typewriters and the Mimeograph machine. I send to the desk for myself and certain other Senators, whose names I will announce to the Senate shortly—there will be several Senators joining me in offering this measure as a substitute; I do not have their names on it yet and I would like to have it in printed form—an amendment to Senate Joint Resolution 186 in the form of a substitute.

Mr. CLARK. Mr. President, I now yield to the majority leader [Mr. MANSFIELD], with the understanding that I shall not lose my right to the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection to the Senator from Pennsylvania [Mr. CLARK] yielding the floor for that purpose? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, it is my understanding that our Republican colleagues have a luncheon in progress, which probably is due to end soon. Since there are no Republicans here on the floor as this important legislation is about to be considered, I am going to suggest the absence of a quorum. I am not going to let it run very long, but I will ask those on the Republican side to advise the Republican Senators that the bill is about to be called up.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, Senate Joint Resolution 186 was reported yesterday from the Committee on Labor and Public Welfare by a final vote of 10 to 6.

The joint resolution provides the mechanism for the settlement of the labor dispute currently existing between certain air carriers and their employees. First, let me briefly describe the measure which resulted after long and arduous consideration by the Committee on Labor and Public Welfare. The committee, over a period of 5 days, discussed, in considerable depth, the airline strike and what, if anything, to do about it.

The joint resolution recites that there is a strike called by the machinists' union, which represents employees of Eastern, National, Northwest, Trans World, and United Air Lines. Machinists on a sixth airline, American, also voted to strike, but were restrained from doing so by a Presidential finding that such a strike would substantially interrupt interstate commerce, the order issued under the Railway Labor Act in the American strike, as in earlier strikes of the five airlines, was for a period of 60 days.

The resolution recites that this strike "threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services." Those are the words of art used in the Railway Labor Act. A finding to this effect is

a prerequisite to an order under the Railway Labor Act.

The resolution finds, on behalf of Congress, that emergency measures are essential to the settlement of the dispute. Then, in section 2, the resolution extends for a period, not to exceed 180 days, the time during which no strike or lockout will be permitted. In the measure as reported, the President is given discretion to invoke this new authority. He is also given discretion as to whether he wishes to break that 180-day period up into one or more segments, but in no event may the period exceed 180 days. Roughly speaking, this would result in the authority expiring about the 1st of February of next year.

The resolution then gives the President permissive, not mandatory, authority to appoint a special airline dispute board, which shall attempt to mediate the dispute between the parties. It also provides that any wage settlement eventually entered into should be retroactive to January 1, 1966.

Section 6 of the joint resolution provides that if, prior to the settlement of the present dispute between the five airline carriers and their employees, a dispute affecting any other air carrier, such as American Airlines, shall in the judgment of the President threaten substantially to interrupt interstate commerce, the President can by Executive order include such an airline and its employees in the directive forbidding a strike or lockout for a period short of the 180 days.

Injunctive relief is provided by the resolution, and the provisions of the Norris-La Guardia Act are waived.

Those are the essential provisions of the committee measure. I shall now briefly explain the background which resulted in this proposed legislation having been brought to the floor of the Senate.

The five airlines to which I have referred represent more than 60 percent of the domestic trunkline air industry, as measured in passenger miles. The International Association of Machinists represents some 35,000 employees who are on strike. Those employees are primarily mechanics, ramp and store, flight kitchen, dining service, plant protection, and related classification employees.

The controversy with which we are dealing began on August 9—almost a year ago—when an agreement was entered into between the carriers and their employees establishing a procedure for joint negotiations between the five airlines and the employees of each airline.

I shall not dwell on the intricate negotiations which ensued. The National Mediation Board attempted to mediate the dispute. On March 18 last, it proffered arbitration, as authorized by section 8 of the Railway Labor Act. The carriers accepted arbitration; the union rejected it.

Then, on April 21 of this year, it being apparent that the parties were nowhere near a settlement, the President, pursuant to the provisions of section 10 of the Railway Labor Act, created an emergency board, and the union withdrew a strike notice which it had theretofore issued.

Under section 10, no strike or lockout was permitted for 60 days after the Presidential action in appointing the board. Note well that it was the President, and not Congress, who triggered the 60-day order requiring the men to stay at work. He did so because he found, in the words of the Railway Labor Act, that the strike "threatened substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services."

Thus, the President last April made a finding on his own that a condition existed which, under present law, required him to keep the men at work.

He made the same finding 3 or 4 days ago when the American Airlines strike was threatened. The President acting in his own discretion has twice within recent months taken action to prevent the men from walking off the job.

The President appointed a distinguished Board of three, chaired by our colleague, Senator WAYNE MORSE, of Oregon. The other members were David Ginsburg, an extremely competent lawyer from Washington, and Richard Neustadt, a well-known professor of government at Harvard University who also served President Kennedy with distinction.

The Board filed its report with the President on June 5.

In my opinion the Senator from Oregon and his colleagues did an outstanding and statesmanlike job in making a comprehensive and incisive report of the issues between the parties, and in recommending terms for a just settlement.

I concur fully in the statement with respect to the report made by the President when he said:

> The recommendations of the Board reflect the highest order of judgment, imagination, and wisdom.
>
> Those recommendations form the framework for a just and prompt settlement, which is in the national interest.

The union rejected the report. The carriers accepted it as the basis for negotiation.

On July 8 the union called a strike and the men left their jobs. They are still out today, on August 2, almost a month later.

The process of collective bargaining, so much respected by all of us as a basic precept—a basic right, if you will—in management-labor affairs has thus been operating since August of last year including the month since the strike started.

On July 22, the senior Senator from Oregon [Mr. MORSE], the Chairman of the Emergency Board—and one of the most competent and skilled labor mediators and arbitrators in the country today, and certainly the most skillful one among our membership—offered a resolution, Senate Joint Resolution 181, which was referred to the Committee on Labor and Public Welfare for consideration.

A number of other resolutions most of them authored by our Republican friends were also referred to the Committee on Labor and Public Welfare. Some called for compulsory arbitration.

The Committee on Labor and Public Welfare determined to hold a 1-day hearing to explore the desirability of reporting legislation to the Senate. That hearing was held on July 27. Witnesses were the Secretary of Labor, W. Willard Wirtz, Mr. Curtin, representing the five carriers, and Mr. Siemiller, representing the Machinists Union.

Yesterday morning, in view of other critical developments, Secretary Wirtz came back and was examined by members of the committee for the better part of 3 hours. At the hearing a number of matters were clarified, while others were not.

There has been a great deal of talk in Congress and in the press as to whether a national emergency exists which justifies congressional intervention in this dispute.

The phrase "national emergency" comes from the Taft-Hartley Act and has reference to a condition in which the national health and welfare are adversely affected by a labor dispute so that the national security is involved.

An important point to make is that the question of whether a national emergency exists has nothing whatever to do with whether the Senate should presently act. The airlines are not under the Taft-Hartley Act, but are under the Railway Labor Act. The test for intervention under the Railway Labor Act is not whether there is a national emergency which threatens the health and safety of the country, but whether the labor dispute, strike or lockout, threatens to interrupt substantially interstate commerce to a degree such as to deprive any section of the country of essential transportation services.

Secretary Wirtz testified that no national emergency existed, and he gave some persuasive statistics to cause most of us on the committee to concur in his judgment. For example, of the travel in interstate commerce today, 94 percent of it is by other than aircraft. That traffic has not been interrupted—89.5 percent of the travel was by automobile, including truck—2.6 percent was by bus. Two percent was by railroads, and only 5.9 percent was by domestic air carriers. Those are the figures for passenger interstate travel.

With regard to freight, less than one-tenth of 1 percent of all domestic intercity freight traveled by air.

In my judgment one cannot fail to conclude, that disruption of the relatively small amount of air traffic does not constitute a national emergency threatening the health and safety of the people of this country, or indeed threatening the national security.

It was alleged by at least one member of the committee—and he had some telegrams from his own State to support him—that the strike was impeding the war effort in Vietnam and that essential material and transportation of military personnel were being slowed down thus endangering the military effort. Secretary Wirtz was very clear that this is not so. I read from his prepared statement before the committee, under the heading "The Military Program":

> The Department of Defense reports little direct impact upon the movement of military personnel, except for those service personnel traveling on leave status.

At the inception of the strike arrangements were made through the Department of Labor, in cooperation with officials of the Machinists Union, to provide for the orderly and expeditious clearance of all commercial charter flights requested by the Department of Defense. As a result, group movements of military personnel have been accomplished with little delay and in numbers comparable to those transported by commercial air carriers before the strike began.

The Defense Department, speaking through the Secretary of Labor, made no complaint about the strike so far as his operations were concerned.

Thus, the committee had no hesitation in accepting the position of Secretary Wirtz that there was not a national emergency which would threaten the health and safety of the counry. However, the Secretary testified that if the strike continued indefinitely, conditions might change. He said that there is an ever-present threat that if the strike continues indefinitely, a national emergency might well occur.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CLARK. I shall yield in one moment.

The Secretary said:

We are confronted with a serious, substantial adverse impact on the national interest, an impact which, however, has not yet brought the country to an emergency stage. However, any prolongation of the current strike, by increasing the strain on existing services, and by multiplying the current delays and inconveniences may well bring the Nation to that crisis, emergency stage.

I am happy to yield to the Senator from Vermont.

Mr. AIKEN. I was just wondering what Secretary Wirtz meant by the term "indefinitely." How long does it take to reach "indefinitely"? I indicate that "indefinitely" might be reached about the second week in November.

Mr. CLARK. He was very careful not to get into that.

May I say that I recognize the implications of the question of the Senator from Vermont; but I will tell him, perfectly candidly and honestly, that there is not a shadow of a doubt that politics is playing a very real but hidden part in this whole matter. For myself, I do not intend to bring that political matter to the surface. I shall be glad to respond to my friend, the Senator from Vermont, if he should like me to do so.

Mr. AIKEN. I would fully agree with my colleague from Pennsylvania, except in one respect: It is not so hidden. I believe it is pretty well in the open.

Mr. CLARK. I wish to say to the Senator from Vermont that in the last 24 hours it has tended to surface.

I shall finish the emergency aspect by pointing out that in the report, which is on the desk of all Senators, the question was asked of Secretary Wirtz as to whether an emergency exists which threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service.

He answered this question with a categorical "Yes."

I believe it is fair to say that all members of the committee, except one, showed by their votes on the various proposals that in their opinion there was a sufficient interruption to interstate commerce to justify congressional action.

The problem which confronts us today is what sort of acceptable compromise could be brought forward between widely varying views both within the Committee on Labor and Public Welfare and on the floor of the Senate.

I may say that some Senators on the Committee on Labor and Public Welfare, and perhaps more on the floor are, in my opinion, likely to vote against any action, because they do not believe the situation sufficiently serious. They believe that collective bargaining should be given still more opportunity to work its will, and they are not prepared to endorse congressional action.

On the other hand, I believe that it is equally clear that the overwhelming majority of the members of the Committee on Labor and Public Welfare—Republicans as well as Democrats—are of the view that some form of congressional action is desirable.

I believe that I have given enough basic statistics to make clear that the overwhelming preponderance of the testimony brought forward by the Secretary of Labor and by the representative of the carriers is that there is a serious dislocation of interstate commerce, and that action would be justified.

I wish to point out that ordering men back to work is a serious matter.

It has not been done since 1917, when the Nation was in the throes of World War I. It is true that on several occasions, sometimes congressional but more often Presidential, authority has been exercised to require men to stay on the job. But once they have quit the job and gone out on strike, it has been indeed an extraordinary measure to order them to go back to work.

The joint resolution now before the Senate is one which a substantial majority of the committee felt represented the most appropriate compromise among the varying points of view. I may say that personally, as the floor manager of the joint resolution, I came to that point of view reluctantly. I do not like to support legislation which orders striking men back to work. However, after listening to the testimony, I concluded that the inconvenience to the public was a primary consideration—that inconvenience has now continued for the better part of a month; there is no immediate prospect for a settlement unless Congress acts—therefore, I am prepared to reject the advice of my very good friends in the labor movement not to legislate and to come before the Senate supporting the joint resolution.

What does the joint resolution do? It has been said that it passes the buck to the President. Senators will hear that point adequately argued by the distinguished Senator from Oregon [Mr. MORSE] and others. My own view is that proper governmental action in a case in which Congress concludes that men should be sent back to work within the framework of the Constitution is to have Congress pass authorizing legislation—to give the President some flexibility, some freedom of action, some discretion—to give him the tool that is needed to take that extraordinary action of ordering men back to work. I am prepared to do that.

The controversy is around a narrow point. The overwhelming majority of the committee agrees that congressional action is desirable.

The overwhelming majority of the committee agrees that legislation should be passed which would get the men back to work for a relatively short period. In this instance, we are all in accord that the period should not exceed 180 days. The major difference between us is whether Congress should order the men back to work or whether, as I prefer, Congress should authorize the President to send them back to work if he feels that is in the best interest of the Nation and that collective bargaining no longer offers a viable route to a reasonable and speedy settlement.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. CLARK. I am very happy to yield to the Senator from Rhode Island.

Mr. PASTORE. The Senator from Pennsylvania has stated that the proposed action is more or less unprecedented and that the only other instance in which people have been ordered back to work was in 1917. Who issued the order at that time?

Mr. CLARK. My recollection is not very clear. As I recall, it was joint action with the President. The Senator from Washington [Mr. MAGNUSON], chairman of the Committee on Commerce, who is well versed in these affairs, tells me that that is correct.

Mr. President, may we have order in the galleries?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The galleries will be in order.

Mr. CLARK. Mr. President, one might summarize this matter by saying that there are some members of the committee, and no doubt there are some Members of the Senate, who do not want any legislation at all because they think that the process of free collective bargaining should be permitted to continue until such time as a real national emergency exists. Some Members of the Senate would have us act right now, pass compulsory arbitration, send the men back to work and keep them there subject to the determination of a compulsory arbitration board. The overwhelming majority of the members of the committee and, I think, the overwhelming majority of the Members of the Senate, believe that action should be taken which would make it possible to send the workers back to their jobs. A large majority of the committee is of the view that this action should be triggered by the President based on a congressional authorization. A minority of the committee felt that the Congress should take full responsibility, leaving no discretion to the President.

I am telling no tales out of school when I say I am confident that the White House wants the Congress to take the whole responsibility. This is not acceptable to me, although it may be acceptable to a majority of the Senate.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from New Hampshire [Mr. COTTON].

Mr. COTTON. Mr. President, I merely wish to ask the distinguished Senator from Pennsylvania [Mr. CLARK] this question. The Senator has just stated that the resolution which he is sponsoring requires authority from the Congress to be triggered by action by the Executive.

Mr. CLARK. The Senator is correct. The President has the discretion if he wants to use it.

Mr. COTTON. Mr. President, I notice in the report the use of the word "may." It says that the President "may" at the same time create a special board for arbitration.

Mr. CLARK. A Special Airline Dispute Board for Mediation.

Mr. COTTON. Do I gather from the use of that sentence in the report that the resolution which the distinguished Senator from Pennsylvania [Mr. CLARK] is now presenting permits the President to order men back to work, and not—as is now provided in the existing law—at the same time create any special machinery to try to arbitrate the differences.

Mr. CLARK. I shall state the answer this way to my friend, the Senator from New Hampshire [Mr. COTTON], who is essentially correct in what he says. There has already been intervention by the National Mediation Board, which is a permanent board. They are standing by, ready, willing, and able to get back into the matter again.

There has been a report by a three-man board chaired by the distinguished Senator from Oregon [Mr. MORSE], which explored this situation in depth and submitted an excellent report.

The reason we use "may" instead of "shall" in the act is that some of us felt we had enough boards and studies of the matter. However, a good many members of the committee sought the format of the Railway Labor Act, and we put in authority for a board, but we made it permissive.

Mr. COTTON. The main purpose of my raising the question at this time is we on the Committee on Commerce went through a similar situation, as the Senator knows, several years ago. At that time, I well remember, we were called to the White House. Other Senators who are here were present when the late President Kennedy specifically said he had exhausted, as President Johnson has exhausted, his powers under the Railway Labor Act, and that he was reluctantly asking the Congress to give him more powers to avert a strike.

Mr. CLARK. To give him more power?

Mr. COTTON. That is correct.

Mr. CLARK. He did not want the Congress to take the whole responsibility.

Mr. COTTON. No.

Mr. CLARK. There is a great difference in this instance.

Mr. COTTON. He was fully prepared to go ahead and assume his responsibility. He wanted the power with which to do it.

I also seem to remember—I hope I am accurate in my recollection—that President Kennedy, even in that first informal discussion, emphasized that he was extremely reluctant to resort to even temporary compulsory arbitration, but that he also felt that any order issued by the President based on authority granted him by the Congress should be clearly based on a situation of continuing efforts to reach an agreement, which is the primary purpose at all times. For that reason, it is my recollection that he suggested, and there was provided in the measure which we eventually passed, first, that Congress granted the power to the President, and second, that at that time when the President exercised it he either designate a new board or in some way specifically authorize, encourage, or require further arbitration of those questions that had not been resolved.

In that case, of course, there was a separation of questions resolved and questions not resolved which is not true in this case.

Mr. CLARK. I ask the Senator if in that instance—my recollection is hazy—the legislation provided for compulsory arbitration?

Mr. COTTON. It provided temporary compulsory arbitration. It authorized the laying down of rules that should be in effect for not more than 2 years; provided that further negotiations and attempts to arbitrate should proceed during those 2 years, that temporary rules regarding the firemen and the crew concept, and other matters in dispute, should continue in arbitration. It provided that no strike should take place for a period of 2 years, while the negotiations would continue.

Mr. CLARK. Let me say to my good friend from New Hampshire that the pending bill does exactly what the Senator said, with two exceptions. One, the period is 180 days instead of 2 years; second, there is no compulsory arbitration feature but merely a continuation of mediation.

From my own point of view, I believe that this is sound and temperate legislation. I, for one, am not prepared, yet, to go to compulsory arbitration and shall oppose any amendment brought up today to provide for compulsory arbitration. I do not believe that we have had anything like enough testimony—we had only a 1-day hearing—to justify such action. Also, in my opinion, if the pending legislation is enacted into law in its present form, there is the high probability that the strike will soon be settled. I would be reluctant to go to compulsory arbitration, yet I know that some Senators on the Senator's side of the aisle feel differently.

Mr. COTTON. Well, let me make it very clear that I do not believe that we should proceed to compulsory arbitration at this time. We did it, as President Kennedy suggested. He suggested it with extreme reluctance. We did it with extreme reluctance. But the two situations are not comparable at all to the present one. At that time there had been long-drawn-out negotiations and disagreement over a long period of years.

I should like to make clear at this time that I feel, as the Senator from Pennsylvania does, that this authority should be given to the President by Congress. Congress should never place itself in a position of ordering men back to work. Once the door is opened to ordering men back to work by congressional action, Congress will have opened up a Pandora's box and will be constantly settling strikes. Such action as we may take—if we take any—should be triggered by the President.

It may well be wise to consider whether the President should not at the same time create additional or new machinery to handle the emergency, the old Board having failed. On the matter of the length of time, I feel that 6 months is altogether too long for such action and that we should give the President the power for 30 or 60 days, and then renewed power. But it should be exercised by him at his discretion in the manner he sees fit, because he is the Executive, we are only the legislative. The people of this country by an overwhelming majority, have designated the President to act. They have only designated Congress to give the power to him.

Mr. CLARK. I could not agree more with my friend, the Senator from New Hampshire. I wish the Senator would allow me to make this statement. There is strong sentiment to support the 30, 60, or 90-day period which the Senator from New Hampshire has indicated. For myself, I was originally a proponent of the 30 or 60-day period. It was in the original measure. However, at the urging of the Secretary of Labor, who indicated he represented the administration, and in view of the fact that there will be a number of other labor disputes coming up in the next 6 months, I was persuaded—and a majority of my colleagues agreed—to take out the 30, 60, 90-day periods and put in a period which should not exceed 180 days, and leave it up to the President as to whether he wanted to order the men back to work for 30 days, 60 days, 90 days, or whether he wants to order them back, in the first instance, for 180 days. In that regard, I think the Senator from New Hampshire and I are in substantial accord.

Mr. SIMPSON and Mr. PASTORE addressed the Chair.

Mr. CLARK. I have promised to yield to the Senator from Wyoming, and then I shall be happy to yield to the Senator from Rhode Island.

Mr. SIMPSON. Upon coming into the Chamber, I was interested to hear the Senator from Pennsylvania say that the President refused to accept the responsibility for ordering the men back to work.

Mr. CLARK. That is putting it a little strong. I do not want to misrepresent the situation.

Mr. SIMPSON. I do not intend to put words in the Senator's mouth. That is what my understanding was as to what the President had said.

Mr. CLARK. I believe what the President has clearly indicated, informally, is that if there should be legislation—may I point out that he has not recommended legislation, nor has he recommended against legislation—he would very much prefer not to be given any discretion. He would rather have Congress make a blanket determination that the men shall go back for as long as 180 days, unless a settlement is achieved before that time has expired.

Mr. SIMPSON. Did the President indicate to the Senator from Pennsylvania his reasons for not wishing to take that responsibility?

Mr. CLARK. I have not had the privilege of direct communication with the President. I am afraid my conversations with his representatives must remain privileged. I regret that I cannot answer my good friend, the Senator from Wyoming.

Mr. SIMPSON. Let me ask the Senator, does he realize that the President was quite eager to accept the plaudits of the country for having settled the strike the other day—prematurely though it was, such a statement was made—and I was wondering whether the Senator from Pennsylvania would suggest to the President that we adopt a resolution asking for his reasons for not wanting to accept the responsibility?

Mr. CLARK. Let me say to the Senator that—I want to be very careful in what I say—Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. CLARK. Would the Senator mind repeating his question. With the noise in the Chamber I could not grasp what the Senator was saying.

Mr. SIMPSON. Would the Senator from Pennsylvania be willing to suggest to the President that we adopt a resolution that would ask the President of the United States to give us his reasons for not wanting to accept this responsibility?

Mr. CLARK. Let me say to my good friend, the Senator from Wyoming, that Secretary of Labor Wirtz advised us that he came before the committee representing the administration which had decided to have but one spokesman. We thought perhaps we should have before us in committee the Postmaster General, the Secretary of Defense, and the Secretary of Commerce; but the administration decided otherwise. They sent Secretary Wirtz to represent the administration, and he was unwilling to make a recommendation for legislation on behalf of the administration. But he did make it clear, as my good friend from Oregon will attest—if he is in the Chamber, and I see that he is not—quite clear that he preferred the Morse resolution, which would have Congress take the entire responsibility, to the committee resolution, for which I have reluctantly been designated as floor manager.

Mr. SIMPSON. I thank the Senator from Pennsylvania.

Mr. PASTORE and Mr. DOMINICK addressed the Chair.

Mr. CLARK. Mr. President, I have promised to yield to the Senator from Rhode Island, and then I shall be happy to yield to the Senator from Colorado.

Mr. PASTORE. Mr. President, I do quite agree with my colleague from Pennsylvania that under the Constitution, the President is the chief administrative officer. The very character of the admonition, if we can call it that, or the mandate, or the discretionary power, has the character of an administrative function.

Mr. CLARK. Also executive—would not the Senator agree?

Mr. PASTORE. Well, executive, or chief administrative officer. They mean about the same. What I should like to say, as a preface to my observations, is that we must recognize the fact that the President of the United States has played a part in this controversy.

Mr. CLARK. He certainly has. If I may interrupt the Senator from Rhode Island, I forgot to say in my statement that one reason why the Labor and Public Welfare Committee delayed in reporting legislation to the floor is that over the last weekend there was a real possibility of the strike being settled. The President did intervene. He called representatives of the carriers and the union together and helped work out a settlement which all of us hoped would terminate the controversy. Then when the proposed settlement was submitted to the membership, which is required by the constitution of the union, the members of the union rejected the proposed settlement by a vote of about 3 to 1. It was this agreement that the President had played a principal part in getting the representatives of the union and the carriers to agree to.

Mr. PASTORE. The reason why I mention this is that I think we do a great injustice if we were to leave the impression this afternoon, not only on the Members of the Senate, but the country at large, that the President is reluctant to assume his responsibility. I am directing my remarks to the previous statement of the Senator from Wyoming [Mr. SIMPSON], who was rather caustic in his observation that the President was reluctant to do his job as President of the United States. Not so—the President has acted within existing law. He did call the parties to his Office at the White House, which was beyond the call of duty. The President did make a suggestion—he did get action—and there was a settlement insofar as representatives of both labor and management were concerned.

Afterward, as has been stated, the President was rebuffed by the body of the machinists. They refused, by a vote of 3 to 1, to accept the recommendations. So the President has been a party to this controversy.

I can understand the sensitivity of his exercising discretion at this particular moment. Presidential action might be considered not only unprecedented, but even open to charge of vindictiveness. We should never leave the President in that position, be he a Republican or a Democrat.

A fault I find is that the resolution is again putting the dispute on the doorstep of the President by the language in section 3. The resolution says, "The President may." Why does not the Senator say, "The President is authorized"? Then Congress becomes a party to the legislation. Why not say, "The President of the United States is authorized to do so"?

Mr. CLARK. Is the Senator addressing me or the Senator from Wyoming?

Mr. PASTORE. I am addressing myself to the Members of the Senate. I ask this question of the Senator from Pennsylvania. Why was not the language "The President is hereby authorized" not considered?

Mr. CLARK. If the Senator from Rhode Island wishes to propose that——

Mr. PASTORE. I do not know whether I am going to vote for the resolution. I am asking the question.

Mr. CLARK. I think one reason was that we did not have the wisdom to suggest that better language might be "The President is authorized."

Mr. PASTORE. Under the circumstances, the decision is put on the doorstep of the White House.

Mr. CLARK. Where it belongs.

Mr. PASTORE. We of the Senate are dodging our responsibility. We should authorize the President to do so.

Mr. CLARK. I think the Senator from Rhode Island has, with his usual good sense and eloquence, made a constructive suggestion.

Mr. LAUSCHE. Why should it not be "shall"?

Mr. CLARK. Mr. President, if I may continue my colloquy with the Senator from Rhode Island.

Mr. PASTORE. I think there is good reason for my suggestion.

Mr. CLARK. I have no objection to the word "authorized."

If the Senator from Rhode Island decides to offer a change which will include the word "authorized," I shall take it up with the other members of the committee. However, I think there should be discretion given to the President.

Mr. PASTORE. Will the Senator yield for a statement?

Mr. CLARK. I am glad to yield.

Mr. PASTORE. I think the committee has sharpened our insight into the dispute. A majority, if not all of the committee, has felt that Congress needs to act.

Mr. CLARK. That is correct.

Mr. PASTORE. The only question left to resolve was as to how to do it. Shall Congress order it or shall the President do so?

Mr. CLARK. Or should the President do it as authorized by Congress?

Mr. PASTORE. That is correct.

Mr. CLARK. That is the point.

Mr. PASTORE. When the resolution reads "may," it leaves a great discretion on the President of the United States, in view of his participation. If this were an entirely new matter, we possibly might be said to be engaging in semantics; but, under the circumstances, because the controversy has arisen and because the President has assumed his responsibility, does not the Senator think the approach would be more direct if we, the Congress, said, "The President is authorized"?

Mr. CLARK. I have no objection.

Mr. PASTORE. Rather than say the President "may" or "may not"?

In the resolution it is already stated, in subsection (b) of section (1), that a serious situation exists. Then the resolution continues to say that the President "may" do this. Why do we not either say, "You are authorized to do it," or "You shall do it"? Then we would be standing up and meeting our responsibility as we should.

Mr. CLARK. Let me say to my friend from Rhode Island that I have no objec-

tion to the suggestion he makes. If the Senator will, now or later, get into legislative form such amendment as he desires, I shall be happy to confer with my colleagues on the committee, and see whether, in view of the strong feelings of the Senator from Rhode Island, who has great prestige in this body, they would be prepared to accept his suggestion.

Mr. PASTORE. Will the Senator yield further?

Mr. CLARK. I yield.

Mr. PASTORE. Let me make this suggestion. The Senator has the committee staff here. If members of the committee are amenable to the suggestion and think it would be better for their purposes, why not let the staff do the drafting rather than leaving the responsibility to me. Further I have a committee commitment. I must be at a markup of a bill at 2:30 p.m. The Labor Committee staff is present. It has been over this whole matter. If the suggestion is satisfactory, the staff can do it intelligently and promptly.

Mr. CLARK. I shall be happy to have the staff prepare an amendment, take it to the Senator from Rhode Island to see if it meets with his approval, and confer with my colleagues on the committee. Perhaps then it can be offered and accepted.

Mr. PASTORE. I am sure Senators would look at it more kindly——

Mr. CLARK. That is just what we need.

Mr. PASTORE. If the resolution included language to show that Congress was willing to look earnestly at the situation and was willing to shoulder its responsibility.

Mr. CLARK. Mr. President, I had promised to yield to the Senator from Colorado [Mr. DOMINICK]. I yield to him now, and then I shall be glad to yield to the Senator from Ohio.

Mr. DOMINICK. I should like to ask the Senator from Pennsylvania if it is true that practically every procedure—in fact, every procedure—which exists in the law has been exercised, without success, plus the action of the President in bringing together the representatives, at an unusual hour, either on Friday or Saturday, in an attempt to settle the dispute.

Mr. CLARK. With the exception of the Senator's reference to the hour, the Senator is correct.

Mr. DOMINICK. What we have done in committee by making our finding that there has been a breakdown in essential air transportation simply follows what the President has previously done in appointing the Emergency Board——

Mr. CLARK. Twice.

Mr. DOMINICK. The Secretary of Labor also said this was our business, even though it was not yet an emergency.

Mr. CLARK. That is correct.

Mr. DOMINICK. I am sorry the Senator from Rhode Island [Mr. PASTORE] is not present as I ask this question: How can we, as Members of Congress, based on this background, make a finding such as we have in this dispute, but not do anything about it except send it down to the White House and leave the final decision in the hands of the President? To do so is not, in my judgment, the act of a responsible body.

Mr. CLARK. In my opinion, the Senator's question assumes his answer. His views are well known, and were ably presented to the committee. I think he has not accurately stated the problem.

We are going to do something. As the Senator has said, all legal authority has expired; the President is powerless to do anything unless he is given new authority by Congress.

I propose, for my part, to give him that new authority; but, having given it to him, I do not favor directing him to use it. I think he has a right to exercise his own judgment in the matter.

Mr. DOMINICK. Will the Senator yield further?

Mr. CLARK. I am happy to yield.

Mr. DOMINICK. It strikes me that perhaps in this debate—and I ask the Senator's comment on this point—we are overlooking something. The reason an emergency board is established, the reason we have these procedures in the law, is to try to protect the general public from getting caught in the middle of a labor-management fight.

Mr. CLARK. The Senator is correct.

Mr. DOMINICK. That is exactly what has happened to the public in the current situation. The public is caught in the middle of just such a dispute. And it seems to me that we, as representatives of the people, should take our own responsible action to make sure that the public can be relieved of this burden. They are caught in the middle without any involvement of their own.

Mr. CLARK. The Senator made clear that point of view very eloquently before the committee, as he is now making it on the floor.

I am perhaps inhibited by the fact that my discipline is the law. I was trained in the law, and was brought up to believe that within the concept of the Federal Constitution, it is the duty of Congress to legislate and of the President to execute and to administer. I think it is in accordance with that strong constitutional principle of the separation of powers that we should authorize and he should act. It is the duty of the President to see to it that the laws are executed. I think we should give him the authority.

Mr. DOMINICK. May I say for the record that I have always regretted that I did not have the opportunity of debating in a court of law with the Senator from Pennsylvania, because I am trained in the law myself.

Mr. CLARK. I am sure that the Senator, with his great eloquence, would have had the advantage.

Mr. DOMINICK. I cannot see for the life of me why we should say that because the President has the executive authority, there is something executive about what we do if we seek to preserve the status quo of the parties, as a court of law would do, and then say to the National Mediation Service, "Work out an agreement of some kind."

Mr. CLARK. I can only disagree again, as I have for the last 5 days in committee, with my friend from Colorado, by making this one last point. I think the difference in our points of view is pretty well sharpened now.

This is a gray area. There is nothing very clear about it. I am sure some Senators will vote against taking any action at all. These are reasonable men who will vote against any action. I do not happen to agree with them, but this is a situation where one could make a good case for not exercising the authority I hope Congress will give the President, but for allowing the collective bargaining process to continue. The public is inconvenienced, but there is not a national emergency. Perhaps if I were sitting in the White House, with all the pressures and responsibilities of that job, I would say, "No, instead of ordering them back to work, I am going to call these fellows back in again, and we will see if we can work it out."

There are many people in this country who believe that the right of collective bargaining is a very precious right, and any congressional attempt to diminish that right is looked upon with grave disfavor.

I believe that the President should have the opportunity to weigh whether he wants to take any action, or whether he wants to send them back for 60, 90, or 180 days. Those, in my judgment, are Executive, and not legislative, functions and responsibilities.

Mr. DOMINICK. Will the Senator yield further?

Mr. CLARK. Yes, indeed.

Mr. DOMINICK. I think we are faced here with a problem which encompasses more than just this one dispute. What we are doing is taking action in a case of a dispute which has not been settled, and we say we are placing the final settlement in the hands of the President.

Mr. CLARK. Under congressional authority.

Mr. DOMINICK. Under congressional authority.

Mr. CLARK. As of today, he could not do a thing.

Mr. DOMINICK. That is right. And all that Congress is doing in the process is to say, "We are going to extend the cooling off period. We are not injecting ourselves into the general collective bargaining by determining the rights between the parties in any way whatsoever." We are saying, "We will extend the cooling off period, and we hope they will negotiate in the process."

Mr. CLARK. And go back to work during this time.

Mr. DOMINICK. And if we put them back to work in the meantime—and by "we" I mean the U.S. Senate—then we have settled this from the point of view of the public, and they can continue their negotiations under the National Mediation Board, just as they have been doing all along.

If we do not do this, sooner or later, it seems to me, every dispute will end up in the White House; and I cannot conceive of a fate that would be worse for any President, I do not care who he is.

Mr. CLARK. Let me say to my good friend from Colorado, I would rather have it end up in the White House than

in the Halls of Congress, where we have 100 Senators and 435 Representatives.

I yield now to the Senator from Ohio, and then to the Senator from New York.

Mr. LAUSCHE. The purpose of my questions will be to acquire information dealing with the differences between the language used in the Morse amendment and that contained in the joint resolution now before the Senate.

Mr. CLARK. I wish that the Senator from Oregon were present. I shall do my best to represent fairly his point of view. Perhaps some other of the members of the committee—mostly the Republicans—would be willing to pick me up if they think I am not being fair.

Mr. LAUSCHE. Am I correct in my understanding that the measure before the Senate uses the permissive word "may" in requesting or suggesting what the President may do in pursuance of the provisions of the joint resolution?

Mr. CLARK. The Senator is correct.

Mr. LAUSCHE. It does not order him, anywhere in the resolution, to take specific action?

Mr. CLARK. It does not. Neither does the Morse proposal.

Mr. LAUSCHE. Right. I have before me the Morse amendment, and I therefore can speak about its language.

The Morse amendment says that the President shall, at the earliest possible date, appoint a special airline dispute board.

Mr. CLARK. Let me interrupt the Senator from Ohio to say that that action would come after Congress had ordered the men back to work, and only after Congress had taken the sole responsibility, without any intervention by the President, to order the men back to work.

Once Congress has ordered them back to work, then Congress orders the President to appoint the board.

Mr. LAUSCHE. Where is the language in the joint resolution where Congress orders the men back to work?

Mr. CLARK. My staff tells me it is section 2.

Mr. LAUSCHE. "Section 2: The period of time provided for in section D of the Railway Labor Act, paragraph 3"——

Mr. CLARK. May I interrupt my friend from Ohio to say that I am afraid he is reading from an obsolete version of the Morse amendment? Here is a copy of the current Morse proposal.

Mr. LAUSCHE. "The President shall appoint a special airline dispute board"—that is mandatory language.

Mr. CLARK. Yes.

Mr. LAUSCHE. Section 2 provides:

> For a period of 180 days effective immediately the provisions of section 10, paragraph 3, of the Railway Labor Act shall apply and no change, except by agreement, shall be made by the parties.

Does the Railway Labor Act provide for a mandatory return to work?

Mr. CLARK. No; it does not, and I think it is important to get that clear. There is nothing in the Railway Labor Act which would authorize sending men on strike back to work. All the Railway Labor Act says is that if the President finds a substantial interruption of interstate commerce, then he has the authority to prevent a strike or lockout. But there is nothing in there about his sending men back to work once there is a strike.

Mr. LAUSCHE. Right. The language that the Senator from Pennsylvania specifically refers to is, I think:

> During said period of time none of the parties to the controversy, or affiliates of such parties, shall engage in—

Mr. CLARK. Strikes or lockouts.

Mr. LAUSCHE (continuing):

> or continue any strike or lockout.

Mr. CLARK. The Senator is correct.

Mr. LAUSCHE. That would mean that the return to work of the men who are now on strike would be under a mandatory order adopted by Congress.

Mr. CLARK. That is correct.

Mr. LAUSCHE. The subsequent proceedings, after they had returned to work, would be under the permissive language suggested for the President.

Mr. CLARK. Mr. President, I am not clear as to whether I understand my friend, the Senator from Ohio, but let me try to clarify it.

Under the Morse language, the Congress would order the men back to work and order the President to appoint the board.

Under the pending committee resolution, Congress would authorize the President in his discretion to send the men back to work. It would further authorize him in his discretion to appoint the board.

The commitee bill authorizes the President to order the men back to work and also authorizes him to appoint the board. He does not have to do either.

Under the Morse bill, Congress says to the President: "We are in charge of this show. Men, go back to work."

Having made that determination, Congress says: "Men, you are now back at work. President, appoint the board."

Mr. LAUSCHE. I understand, but if we want to settle the dispute, if it does affect the national interest, why should we not use language in the bill that would make mandatory the performance of these deeds which seemingly are needed to bring the dispute to an end? Why should it be permissive? I now return to what the Senator from Rhode Island said. The Senator from Pennsylvania said that he would agree to substitute the word "authorize" for "may."

Mr. CLARK. But not "shall."

Mr. LAUSCHE. Why not "shall"?

Mr. CLARK. I have tried to explain that at considerable length. If the Senator from Ohio wants me to try again, I shall.

Mr. LAUSCHE. That is not necessary. Is it because the Senate does not want to order the President to do a thing, or is it because he feels that the potato should be put in the lap of the President?

Mr. CLARK. I do not know about potatoes.

Mr. LAUSCHE. It is a hot one.

Mr. CLARK. It certainly is.

Mr. LAUSCHE. Should we not both be willing to assume the responsibility?

Mr. CLARK. I think not—in those terms.

Mr. LAUSCHE. I cannot agree. I think it is an abdication of responsibility when the President says we both should not assume the responsibility, that it should lie only in the office of the President. I think it is not fair. I think it is not just, and I do not subscribe to it.

Mr. CLARK. The Senator is entitled to his interpretation.

Mr. LAUSCHE. The Senator from Pennsylvania made the point that I wanted to make. He said, in effect, we should put the hot potato in the lap of the President. I do not think that is right.

Mr. CLARK. The Senator is entitled to his interpretation.

I yield to the Senator from New York.

Mr. KENNEDY of New York. Perhaps that is the conclusion that a majority of the Committee on Labor and Public Welfare reached.

Mr. CLARK. Does the Senator refer to what the Senator from Ohio said?

Mr. LAUSCHE. I did not say it. The Senator from Pennsylvania said it.

Mr. KENNEDY of New York. If this were merely an effort by the Committee on Labor and Public Welfare to place this problem completely in the lap of the President of the United States, I do not think that we would be debating any legislation today.

Mr. CLARK. I think the Senator is correct.

Mr. KENNEDY of New York. Is it not correct that the majority of the committee recommended that some legislation be passed by Congress?

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. And is it not correct also that we are therefore willing to take our share of the responsibility and make some findings and take some action in an effort to deal with the strike?

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. Is it not also correct at the present time that the Secretary of Labor came before the Committee on Labor and Public Welfare and said that there is not a national emergency existing in the United States?

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. And has the Secretary of Labor not also been asked, in view of the present circumstances and the effect that the strike is having on the United States, whether he felt that legislation was important at this time?

Mr. CLARK. He was, and specifically by the Senator from New York.

Mr. KENNEDY of New York. He was also asked by a number of other Senators. Did not the Secretary of Labor say that he could not give Congress any advice as to whether any legislation was needed at the present time?

Mr. CLARK. The Senator is correct. I think we should have a little emphasis on the words "could not," because I have the feeling that he would like to do so but did not have authority.

Mr. KENNEDY of New York. The Secretary of Labor was the sole witness on that day.

Mr. CLARK. He was, and he said that he represented the entire administration.

Mr. KENNEDY of New York. All members of the committee recognized

that the enactment of legislation would be a very major step for Congress to take.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. We also recognized that this has not been done before in circumstances of this kind.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. The last time that men had been sent back to work in this manner was in 1917 in a period of extreme crisis for the United States.

Mr. CLARK. My understanding is that it was after the outbreak of World War I.

Mr. KENNEDY of New York. I understand that it was in 1917, but at any rate the members of the administration at that time recognized that this was a most unusual step to take, required by the exigencies of a particular and most severe crisis.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. We also recognize that in October and November of this year we may have some major strikes, if collective bargaining does not go well in certain industries where labor contracts are due to expire.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. We could have labor disputes during October and November in the field of communications, and next year in the automobile and rubber industries. These are very important industries in the United States.

Mr. CLARK. The Senator is correct concerning the seriousness of the situation. They are serious enough, but I am optimistic and hope they will not erupt into strikes.

Mr. KENNEDY of New York. My point is that we should be aware that our taking this action might very well be taken by some as a precedent to urge us to take similar action later on. This is only one of the reasons why the taking of this action should be very seriously considered by Congress.

Mr. CLARK. The Senator is correct in his latter point. However, let me call attention to the committee report which makes it clear that the committee does not intend the resolution before the Senate to indicate any precedent with respect to future labor disputes.

Mr. KENNEDY of New York. The Senator referred to the fact that the language at the very beginning of this legislation states: "threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services."

Mr. CLARK. I wish that the draftsmen of the act had written simpler English. We did use, for technical purposes, the exact language of the Railway Labor Act. The Senator is correct. I interpret these words as meaning that interstate commerce has been seriously interrupted by the strike and that certain sections of the country are now suffering from a loss of essential transportation services. I think that is what it means, and I assume that is what the Senator thinks it means.

Mr. KENNEDY of New York. Let me differentiate that language from the question of whether there is a national emergency in the United States.

I think it is important that the Senate understand that there is a clear differentiation between the use of that language and the existence of a national emergency.

Mr. CLARK. I think that means—and the Senator from New York will tell me if I do not correctly represent his views—that the Taft-Hartley Act standard—a situation threatening the national health and safety, and therefore becoming a national emergency—is a more stringent standard than that of the Railway Labor Act.

Mr. KENNEDY of New York. Is it not correct to say that it was on that basis after the Secretary of Labor had testified before our committee last week, stating that there was not such a national emergency and that such an emergency could not be established, that the committee moved in the direction of relying on the Railway Labor Act instead of the Taft-Hartley Act standard?

Mr. CLARK. It is correct. I believe that the committee, in moving that way, was largely motivated by the original draft of Senate Joint Resolution 181, introduced by the Senator from Oregon [Mr. MORSE], which was based on the language of the Taft-Hartley Act.

After the Senator from Oregon had conferences with the White House and the Department of Labor, he became convinced that the administration was not prepared to testify that those standards had been met, he turned to the less stringent standards.

But we should also remember that the airline industry is not now and never has been under the Taft-Hartley Act, but is under the Railway Labor Act.

Mr. KENNEDY of New York. My point is that there is a difference in the language, and that when we find that the Railway Labor Act test has been met, we have not made a particularly significant finding. The fact is that the Railway Labor Act test, which appears in section 10 of that law, has been resorted to, as the basis for appointment of a Presidential Emergency Board, some 167 times over the period of the last 30 years.

Mr. CLARK. Some of these 167 occasions were not of earth-shaking significance. The Emergency Board of which the Senator from Oregon [Mr. MORSE] was the Chairman was Emergency Board No. 166 and the Board in the American Airlines case is No. 167.

Mr. KENNEDY of New York. The point I wish to make is that the language of section 10 is language of art. The fact that the standard of section 10 is met does not necessarily support extraordinary congressional intervention. Thus, section 10 was invoked when the Rutland Railroad had some labor difficulty; it was used in the case of the Union Railway Co. of Memphis; it was used in the case of the Chicago, North Shore & Milwaukee Railroad; it was used in the case of the Steelton & Highspire Railroad Co.; it was used in the case of the Long Island Rail Road; it was used in the case of the Central of Georgia Railway; it was used in the case of the Erie Railroad Co.; it was used in the case of the Alton Railroad; and in cases involving other individual carriers where the matter was clearly only of local significance, and then not of a paralyzing nature. It has been used, as the Senator from Pennsylvania said, some 167 times.

Mr. CLARK. I am sure the Senator from New York is correct.

Mr. KENNEDY of New York. But the situation confronting us is quite different. The other cases involved strikes, to be sure, and they perhaps had an important effect in particular communities.

But the same language is now used to a much different end in the proposed legislation. This extraordinary legislation will be far reaching and precedent making. Yet it comes on the basis of the administration not finding that a national emergency exists; not finding that the present strike affects the national defense or the movement of defense materiel; and also comes on top of the fact that the administration is not prepared to recommend that Congress pass any legislation.

Would I be correct in thus summarizing the facts?

Mr. CLARK. Yes. I believe the Senator is correct. And I should like to add that it is for that reason that I wish to go slowly. I do not believe we should take the drastic action suggested by the Senator from Oregon.

I believe there is a real question here as to whether or not there ought to be any legislation. I am prepared to vote to extend the present authority to permit an order sending the men back to work. If I were President, I am not sure that I would send them back to work. But I am prepared to go this far, as far as the committee bill goes, but no further.

Mr. KENNEDY of New York. The resolution does not say that we are passing the buck, but that Congress will go on record and vote for legislation which is far reaching. So that the President, at his discretion, when he believes that the national interest dictates it, can put these workers back to work. Is that not what the resolution would do?

Mr. CLARK. The Senator has made a very statesmanlike summary. I agree with him thoroughly. Some Senators like to use the words "pass the buck," "determine on whose doorstep the hot potato shall be laid." I am prepared, if they wish, to meet them on their own ground. But I vastly prefer the statesmanlike way the Senator from New York has put it.

Mr. KENNEDY of New York. I ask unanimous consent to place in the RECORD the Emergency Board index listing the 167 cases in which section 10 of the Railway Labor Act has been invoked. I believe the Senate will be interested in the extreme variations in significance among these cases.

Mr. CLARK. I yield to the Senator from New York for that purpose.

There being no objection, the index was ordered to be printed in the RECORD, as follows:

Emergency board index

No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
1	Western Pacific RR. Co.; Sacramento Northern Ry.; Tidewater Southern Ry.	BLE, BLF & E, ORC, BRT	May 21, 1936	G. Stanleigh Arnold, chairman; Will J. French, Macy Nicholson.	June 15, 1936	A-136, A-189, A-202, A-221.
2	Chicago Great Western RR. Co	BLE, BLF & E, ORT, BRT, SUNA	Feb. 8, 1937	John P. Devaney, chairman; Walter C. Clephane, Harry A. Millis.	Mar. 7, 1937	
3	Southern Pacific Co. (Pacific Lines); Northwestern Pacific RR. Co.	BLE, BLF & E, ORC, BRT	Apr. 14, 1937	G. S. Arnold, chairman; Charles Kerr, Dexter M. Keezer.	May 6, 1937	A-336, M-149.
4	Pennsylvania; Long Island; Baltimore & Ohio; Reading; Central RR. of New Jersey; Lehigh Valley; New York Central; New York, New Haven & Hartford; Delaware, Lackawanna & Western; and Erie RR.	BRC, ILA	Apr. 26, 1937	F. M. Swacker, chairman; W. H. Davis, I. L. Sharfman.	May 26, 1937	A-369.
5	Pacific Electric Ry. Co	BRT	Aug. 30, 1937	I. L. Sharfman, Chairman; Dexter M. Keezer, John P. Devaney.	Nov. 28, 1937	A-411.
6	Atchison, Topeka & Santa Fe Ry. and other class I railroads	18 cooperating labor organizations and BRT.	Sept. 27, 1938	Walter P. Stacy, Chairman; James M. Landis, Harry A. Millis.	Oct. 29, 1938	A-529, A-530.
7	Railway Express Agency, Inc	BRC	July 10, 1940	John P. Devaney, Chairman; Dexter M. Keezer, Harry A. Millis.	Aug. 2, 1940	A-801.
8	The Rutland RR. Co	15 organizations	Feb. 14, 1941	I. L. Sharfman, Chairman; Walter C. Clephane, Ordway Tead.	Mar. 10, 1941	A-577.
9	The Duluth, Missaabe & Iron Range Ry. Co. et al	BRC	May 9, 1941	G. Stanleigh Arnold, Chairman; William H. Tschappat, Arthur E. Whittemore.	June 6, 1941	A-867.
10	The Atlanta, Birmingham & Coast RR. Co	B.L.F. & E., BRT	May 16, 1941	George W. Stocking, Chairman; Huston Thompson, H. S. Hawkins.	do	A-896.
11	Certain common carriers by rail	5 transportation brotherhoods, 14 cooperating organizations.	Sept. 10, 1941	WAYNE L. MORSE, chairman; Thomas Reed Powell, James C. Bonbright, Joseph H. Willits, Huston Thompson.	Nov. 5, 1941	A-1000, A-1001.
12	Railway Express Agency	IBT	Nov. 7, 1941	Royal A. Stone, chairman; William H. Tschappat, Matthew Page Andrews.	Nov. 17, 1941	A-1071.
13	Union Ry. Co. (Memphis, Tenn.)	BLF & E., BRT	Sept. 20, 1944	Frank M. Swacker, chairman; Walter C. Clephane, John A. Lapp.	Sept. 29, 1944	
14	Chicago, North Shore & Milwaukee RR. Co. et al	BLF & E, BRT	Sept. 19, 1944	H. B. Rudolph, chairman; W. H. Spencer, Ernest M. Tipton.	Oct. 4, 1944	
15	Bingham & Garfield Ry	BLF & E	Nov. 14, 1944	Richard F. Mitchell, chairman; Walter C. Clephane, A. G. Crane.	Nov. 25, 1944	
16	Steelton & Highspire RR. Co	BLF & E, BRT	Dec. 12, 1944	I. L. Sharfman, chairman; Leif Erickson, Grady Lewis.	Dec. 30, 1944	
17	Seaboard Air Line Ry. Co	BLF & E, BLE	Dec. 15, 1944	Huston Thompson, chairman; David J. Lewis, William H. Tschappat.	Jan. 17, 1945	
18	The Kentucky & Indiana Terminal	BRT	Feb. 6, 1945	Ernest M. Tipton, Chairman; H. S. Hawkins, Arthur E. Whittemore.	Feb. 20, 1945	
19	The Central of Georgia Co	BRT	Feb. 8, 1945	H. Nathan Swain, Chairman; Ridgely P. Melvin, Russell Wolfe.	Feb. 24, 1945	
20	Des Moines and Central Iowa	BLE, BRT	Mar. 7, 1945	H. Nathan Swain, Chairman; John W. Yeager, Grady Lewis.	Mar. 28, 1945	
21	The Denver & Rio Grande Western Co	BLE, BLF & E, ORC, SUNA, BRT	Mar. 8, 1945	Leif Erickson, Chairman; Ridgely P. Melvin, Russell Wolfe.	Mar. 29, 1945	
22	Missouri Pacific Co	BLF & E	Apr. 7, 1945	H. Nathan Swain, Chairman; Leif Erickson, Robert W. Woolley.	May 5, 1945	
23	Colorado & Wyoming Co	BLF & E, BRT	May 18, 1945	H. Nathan Swain, Chairman; Ridgely P. Melvin, Eugene L. Pudberg.	June 7, 1945	
24	River Terminal Ry. Co	BLE, BRT	May 22, 1945	Richard F. Mitchell, Chairman; Roger I. McDonough, Robert W. Woolley.	June 13, 1945	
25	The Illinois Central RR. Co	BLF & E	May 25, 1945	Huston Thompson, Chairman; Grady Lewis, Curtis G. Shake.	July 24, 1945	
26	Georgia & Florida RR	BLE, BLF & E, ORC of America, BRT.	June 16, 1945	James P. Hughes, Chairman; Russell Wolfe, Eugene L. Padberg.	July 7, 1945	
27	The Erie RR. Co	BRT	June 28, 1945	Leif Erickson, Chairman; Ridgely P. Melvin, Robert G. Simmons.	July 18, 1945	
28	Chicago, North Shore & Milwaukee RR. Co. et al	BLF & E, BRT	July 10, 1945	Roger I. McDonough, Chairman; John W. Yeager, Robert W. Woolley.	July 31, 1945	
29	Railway Express Agency, Inc	IBT	Oct. 10, 1945	H. Nathan Swain, Chairman; Eugene L. Padberg, Henri Burque.	Oct. 31, 1945	
30	Texas & New Orleans RR. Co. and Hospital Association of the Southern Pacific Lines in Texas and Louisiana.	13 railway labor organizations	Dec. 4, 1945	Richard F. Mitchell, Chairman; Ernest M. Tipton, John W. Yeager.	Jan. 5, 1946	
31	St. Louis-San Francisco Ry. Co. and St. Louis, San Francisco & Texas Ry. Co.	BRT	Jan. 5, 1946	Robert G. Simmons, Chairman; Henri A. Burque, Luther W. Youngdahl.	Jan. 24, 1946	
32	Texas & New Orleans RR. Co	BLE, BRT	Mar. 2, 1946	H. Nathan Swain, Chairman; Eugene L. Padberg, Grady Lewis.	Mar. 30, 1946 (extended time to Apr. 10, 1946).	
33	The Alton RR. and other carriers	BLE, BRT	Mar. 8, 1946	Leif Erickson, Chairman; Frank M. Swacker, Gordon S. Watkins.	Apr. 18, 1946	
34	The Chicago, Rock Island & Pacific Ry. Co	BRT	Apr. 19, 1946	Henri A. Burque, Roger I. McDonough, Grady Lewis, Chairman.	May 6, 1946	
35	Railway Express Agency, Inc	BRC, IAM, International Brotherhood Blacksmiths, Drop Forgers & Helpers.	Apr. 24, 1946 (E.O. 9716)	Robert W. Woolley, Chairman; I. L. Sharfman, Leverett Edwards.	May 23, 1946	

36	Transcontinental & Western Air, Inc., and other carriers	ALPA, Intl.	May 7, 1946	George E. Bushnell, chairman, William M. Leiserson, John A. Lapp.	July 8, 1946 (extension of time to July 7, 1946).	A-2219, A-2231, A-2241, through 22-51.
37	Hudson & Manhattan RR. Co.	BLE, BRT	May 29, 1946 (E.O. 9731)	John A. Fitch, chairman, Arthur E. Whittemore, Russell Wolfe.	June 20, 1946	
38	Northwest Airlines, Inc.	IAM	July 3, 1946	Frank H. Swacker, chairman, Lewis Grady, John A. Lapp.	Aug. 7, 1946 (extended 10 days to Aug. 12, 1946).	
39	Denver & Rio Grande Western RR. Co.	BRT	July 10, 1946	John W. Yeager, chairman, Roger I. McDonough, Floyd McGown.	Aug. 14, 1946 (extension of time made between the parties).	A-2350.
40	The Pullman Co.	ORC	July 27, 1946	I. L. Sharfman, chairman, Robert G. Simmons, Walton H. Hamilton.	Aug. 23, 1946	
41	The Long Island RR. Co.	Railroad Workers Industrial Union Division 50, United Mine Workers of America.	Sept. 5, 1946 (E.O. 9770)	Frank M. Swacker, chairman; H. Nathan Swain, Leverett Edwards.	Oct. 11, 1946 (extention of time to Oct. 21, 1946).	
42	Utah Idaho Central RR. Corp.	IAM	Sept. 23, 1946	Richard F. Mitchell, chairman; Norris C. Bakke, Otto S. Beyer.	Oct. 11, 1946	A-2276.
43	The Atlanta & St. Andrews Bay Ry. Co. and other carriers	15 cooperating railway labor organizations.	Oct. 29, 1946	James H. Wolfe, chairman; Robert E. Stone, Floyd McGown.	Dec. 4, 1946 (extension of time granted to Dec. 24, 1946).	
44	The Barre & Chelsea RR. Co. and the St. Johnsbury & Lake Champlain RR. Co.	BLE, BLF & E, BRT	Nov. 6, 1946	James H. Wolfe, chairman; Robert E. Stone, Floyd McGown.	Dec. 4, 1946 (extended to Dec. 24, 1946).	
45	Ann Arbor RR. Co.; Grand Trunk Western Railroad Co.; Pere Marquette Ry. Co.; Wabash RR. Co.	National Maritime Union (CIO)	Mar. 28, 1947	Frank M. Swacker, chairman; Harry H. Schwartz, Hugh B. Fouke.	Apr. 21, 1947	A-2455, A-2456, A-2457, A-2458.
46	Bingham & Garfield Ry. Co.	BLF & E, ORC of A	May 16, 1947	H. Nathan Swain, chairman; George E. Bushnell, Joseph L. Miller.	July 16, 1947 (extension of time to July 16, 1947).	
47	Southern Pacific Co. (Pacific Lines); Northwestern Pacific RR. Co.; San Diego & Arizona Eastern Ry. Co.	BLE	July 18, 1947 (E.O. 9172)	Grady Lewis, chairman; Leverett Edwards, Paul A. Dodd.	July 30, 1947	
48	Terminal Railroad Association of St. Louis	BRC	Aug. 6, 1947	Leif Erickson, chairman; Eugene L. Padberg, Andrew Jackson.	Aug. 19, 1947	
49	River Terminal Ry. Co.	BRT	Aug. 1, 1947 (E.O. 9880)	Frank M. Swacker, chairman; Hugh B. Fouke, Sidney St. F. Thaxter.	Aug. 20, 1947	A-2542.
50	Railway Express Agency, Inc.	IBT	Sept. 15, 1947 (E.O. 9891)	Leverett Edwards, chairman; H. Nathan Swain, Norman J. Ware.	Oct. 13, 1947	A-2584.
51	Atlanta & West Point Co.; the Western of Alabama	BLE	Oct. 16, 1947 (E.O. 9899)	Ernest M. Tipton, chairman; Harry H. Schwartz, John T. McCann.	Nov. 1, 1947	A-2661.
52	Railway Express Agency, Inc.	IBT	Oct. 21, 1947 (E.O. 9900)	Arthur S. Meyer, chairman; Frank M. Swacker, Aaron Horvitz.	Jan. 15, 1948 (extension to Dec. 21, 1947) (extension to Jan. 20, 1948).	A-2684.
53	Georgia	BLF & E	Dec. 16, 1947 (E.O. 9910)	Floyd McGown, chairman; John T. McCann, Eugene L. Padberg.	Jan. 20, 1948 (20-day extension to Feb. 4, 1948).	A-2518.
54	Alabama, Tennessee, and Northern Co. and other carriers	17 cooperating railway labor organizations.	Dec. 31, 1947 (E.O. 9918)	Grady Lewis, Hugh B. Fouke, Andrew Jackson.	Jan. 28, 1948	A-2711.
55	Chicago, North Shore & Milwaukee	IU of AA of SE Railway & Motor Coach Employees of America.	Jan. 13, 1948 (E.O. 9922)	Harry H. Schwartz, chairman; Russell Wolfe, Robert E. Stone.	Feb. 14, 1948 (10-day extension of time to Feb. 23, 1948).	A-2693.
56	Akron & Barberton Belt Co.	BRT	Jan. 13, 1948 (E.O. 9923)	Robert W. Woolley, chairman; Huston Thompson, Walter Gellhorn.	Jan. 29, 1948	A-2665.
57	Akron, Canton & Youngstown Co. and other carriers	BLE, BLF & E, SUNA	Jan. 27, 1948 (E.O. 9929)	William M. Leiserson, chairman; George E. Bushnell, William Willard Wirtz.	Mar. 27, 1948 (30-day extension to Mar. 27, 1948).	A-2705.
58	Terminal Railroad Association of St. Louis	BLE, BLF & E, BRT	Mar. 18, 1948 (E.O. 9936)	Frank M. Swacker, chairman; George Cheney, James E. Wolfe.	Apr. 7, 1948	
59	Railway Express Agency, Inc.	IBT	Mar. 25, 1948 (E.O. 9940)	John A. Lapp, Chairman; John T. McCann, John D. Galey.	Mar. 30, 1948	A-2685.
60	Aliquippa & Southern RR. Co.	BRT	Apr. 10, 1948 (E.O. 9948)	Sidney St. F. Thaxter, chairman; Leverett Edwards, Aaron Horvitz.	May 17, 1948 (30-day extension to June 9, 1948).	A-2779.
61	Pennsylvania RR.	BLF & E	Apr. 10, 1948 (E.O. 9947)	Andrew Jackson, chairman; James H. Wolfe, E. Wight Bakke.	June 9, 1948 [1] (30-day extension to June 9, 1948).	A-2791.
62	National Airlines, Inc.	ALPA International, IAM	May 15, 1948 (superseding proclamation June 3, 1948 (E.O. 9958-9965).	Grady Lewis, chairman; Walter V. Schaefer, Curtis W. Roll.	July 9, 1948 [2] (extension to July 30, 1948).	A-2707.
63	Grand Trunk Western RR. Co.; Chesapeake & Ohio Ry. Co.; Wabash RR. Co.; and the Ann Arbor RR. Co.	National Maritime Union of America	June 23, 1948 (E.O. 9971)	Robert G. Simmons, chairman; Joseph L. Miller, Thomas F. Gallagher.	July 20, 1948	A-2801, A-2802, A-2803, A-2804.
64	Pittsburgh & West Virginia Ry. Co.	BRT	Aug. 26, 1948 (E.O. 9991)	John W. Yeager, chairman; John T. McCann, Thomas J. Reynolds.	Sept. 13, 1948	
65	Public Belt RR. Commission of the City of New Orleans	BLF & E, BRT	Sept. 8, 1948 (E.O. 9996)	Harry H. Schwartz, chairman; Floyd McGown, A. Langley Coffey.	Sept. 18, 1948 (supplemental report dated Sept. 23, 1948).	
66	Akron & Barberton Belt RR. Co., et al.	16 cooperating railway labor organizations (nonoperating).	Oct. 18, 1948 (amendment to procedure, Nov. 5, 1948).	William M. Leiserson, chairman; George A. Cook, David L. Cole.	Dec. 17, 1948 (30 day extension to Dec. 17, 1948).	A-2953.
67	Northwest Airlines, Inc.	IAM	Jan. 19, 1949 (E.O. 10029)	Harry H. Schwartz, chairman; Aaron Horvitz, Robert O. Boyd.	Mar. 10, 1949 (30 day extension to Mar. 21, 1949).	A-2913.
68	The Akron, Canton & Youngstown RR. Co. and other carriers	IAM	Jan. 28, 1949 (E.O. 10032)	George W. Taylor, Chairman; Grady Lewis, George E. Osborne.	Apr. 11, 1949 (45 day extension to Apr. 13, 1949).	A-2920.
69	Denver & Rio Grande Western RR. Co.	SUNA	Feb. 14, 1949 (E.O. 10037)	Frank M. Swacker, Chairman; Leverett Edwards, Adolph E. Wenke.	Mar. 5, 1959	
70	Carriers represented by Eastern, Western & Southeastern carriers Conference Committee.	BLF & E	Feb. 15, 1949	George W. Taylor, Chairman; Grady Lewis, George E. Osborne.	Sept. 19, 1949 (extension of time to Aug. 15, 1949); (extension of time to Sept. 19, 1949).	A-3045.

See footnotes at end of table.

Emergency board index—Continued

No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
71	Wabash RR. Co. and the Ann Arbor RR. Co.	BLE, BLF & E, ORC, BRT	Mar. 15, 1949 (E.O. 10045)	Roger I. McDonough, Chairman; John W. Yeager, Curtis G. Shake.	Aprl 6, 1949	A-3028.
72	Southern Pacific Co. (Pacific Lines)	BLF & E	Mar. 30, 1949 (E.O. 10048)	Harry H. Schwartz, Chairman; Robert O. Boyd, Daniel T. Valdez.	Apr. 29, 1949 [3]	A-3016.
73	Railway Express Agency, Inc.	BRC	Apr. 9, 1949 (E.O. 10050)	David L. Cole, Chairman; Leverett Edwards, Aaron Horvitz.	May 6, 1949	A-3006.
74	Aliquippa & Southern RR. Co.	BRT	Apr. 15, 1949 (E.O. 10051)	Andrew Jackson, Chairman; Leif Erickson, Elmer T. Bell.	May 18, 1949 (30-day extension to June 15, 1949).	A-3075.
75	Union RR. Co. (Pittsburgh)	BRT	May 12, 1949 (E.O. 10056)	Andrew Jackson, Chairman; Leif Erickson, Elmer T. Bell.	July 29, 1949 (30-day extension to July 11, 1949). (Additional 30-day extension to Aug. 10, 1949 a/c lack funds).	A-3083.
76	Missouri Pacific RR. Co.	BLE, BLF & E, ORC, BRT	July 8, 1949	Curtis G. Shake, Chairman; Floyd McGown, Roger I. McDonough.	Aug. 2, 1949	A-3157.
77	Southern Pacific Co. (Pacific Lines)	BRT	July 20, 1949 (E.O. 10071)	Frank M. Swacker, Chairman; Robert G. Simmons, Leverett Edwards.	Sept. 1, 1949 (30-day extension to Sept, 18, 1949).	A-3085, A-3086.
78	The Monongahela Connecting RR. Co.	BRT	Sept. 9, 1948 (E.O. 10078)	Harry H. Schwartz, Chairman; Francis J. Robertson, Andrew Jackson.	Oct. 7, 1949	A-3220
79	The Denver & Rio Grande Western Co.	BRT	Feb. 4, 1950 (E.O. 10105)	Robert G. Simmons, Robert O. Boyd, Harold R. Korey.	Feb. 28, 1950	A-3065.
80	Texas & Pacific and its subsidiaries including Fort Worth Belt Co. and the Texas Pacific-Missouri Pacific Terminal of New Orleans.	BLE, BLF & E, ORC & BRT	Feb. 10, 1950 (E.O. 10109)	Frank M. Swacker, Chairman; Paul G. Jasper, Thomas F. Gallagher.	Mar. 9, 1950	A-3137, A-3261.
81	Carriers represented by the Eastern, Western, & Southeastern Carriers Conference Committee.	ORC, BRT	Feb. 24, 1950	Roger I. McDonough, Chairman; Mart J. O'Malley, Gordon S. Watkins.	June 15, 1950 (66-day extension to June 1, 1950) (also handled concurrently with E.B.'s No. 83 and 84) (14-day extension to June 15, 1950 due to lengthy hearings and also so that it be submitted simultaneously with E.B. No. 84).	A-3290.
82	Terminal RR. of St. Louis	BLE and BLF & E	Mar. 3, 1950 (E.O. 10114)	Joseph L. Miller, Chairman; A. Langley Coffey, Walter V. Gellhorn.	Apr. 1, 1950	A-3343.
83	Carriers represented by Western Carriers Conference Committee.	SUNA	Mar. 20, 1950 (E.O. 10117)	Roger I. McDonough, Chairman; Mart J. O'Malley, Gordon S. Watkins.	Apr. 18, 1950	A-3332.
84	Carriers represented by the Eastern, Western, Southeastern Carriers Conference Committee.	RYA	Apr. 11, 1950	do	June 15, 1950 (30-day extension to June 11, 1950); (4-day extension to June 15, 1950).	A-3330.
85	Chicago & Illinois Midland Ry. Co.	BRT	Apr. 26, 1950 (E.O. 10125)	Andrew Jackson, Chairman; Harry H. Schwartz, Joseph S. Kane.	May 19, 1950	A-3381.
86	Boston & Albany RR. Co.	BRT	June 6, 1950 (E.O. 10130)	Andrew Jackson, Chairman; Paul G. Jasper, George W. Stocking.	July 6, 1950	A-3392.
87 88 & 88A	Toledo Lakefront Dock Co. Toledo, Lorain & Fairport Dock Co.	ILA Local 158 AFL	July 3, 1950 (E.O. 10138 and 10139).	Robert G. Simmons, chairman, Joseph L. Miller, Dudley E. Whiting.	Aug. 11, 1950 (30 day extension to Sept. 1, 1950).	A-3380.
89	The Pullman Co.	ORC	July 6, 1950 (E.O. 10140)	Ernest M. Tipton, chairman, I. L. Sharfman, Angus Munro.[4]	Nov. 3, 1950 (30 day extention to Sept. 4, 1950) (30 day additional extension to Oct. 4, 1950) (30 days added to Nov. 3, 1950).	A-3300.
90	Braniff Airways, Inc.	BRC	July 12, 1950 (E.O. 10141)	William M. Leiserson, chairman, A. Langley Coffey, Daniel T. Valdes.	Aug. 31, 1950 (20 day extension to Sept. 1, 1950).	A-3149.
91	New York Central RR. Co. lines east of Buffalo	BLE, BLF & E, ORC, BRT	Aug. 4, 1950 (E.O. 10147)	Frank M. Swacker, chairman, Paul G. Jasper, Wayne Quinlan.[4]	Sept. 13, 1950 (30 day extension to Oct. 4, 1950).	A-3419.
92	Atlantic & East Carolina Ry. Co. and other carriers	16 cooperating nonoperating labor organizations.	Aug. 11, 1950 (E.O. 10150)	Thomas F. Callagher, chairman, George W. Stocking, Walter Gellhorn.	Sept. 9, 1950	A-3444.
93	Railway Express Agency, Inc.	IBT	Oct. 3, 1950 (E.O. 10165)	Grady Lewis, chairman: William J. Kelley, O.M.I.,[4] Joseph L. Miller.	Nov. 2, 1950	A-3526.
94	American Airlines, Inc.	ALPA	Jan. 13, 1951 (E.O. 10203)	David L. Cole, chairman; Frank P. Douglass,[5] Aaron Horvitz.	May 25, 1951 (30-day extension to Mar. 14, 1951); (30-day extension to Apr. 13, 1951); (30-day extension to May 13, 1951); (15-day extension to May 28, 1951).	A-3255.
95	The Denver & Rio Grande Western RR. Co., including Denver & Salt Lake RR. Co. (under Supervision of Secretary of Army, E.O. 10155).	BLE	Sept. 6, 1951 (E.O. 10285)	Frank P. Douglass, Frank M. Swacker, Robert G. Simmons.	Sept. 19, 1951	A-3563.
96	The Pullman Co.	ORC	Sept. 6, 1951 (E.O. 10286)	Carroll R. Daugherty, Chairman; [6] George Chemey, Andrew Jackson.	Oct. 3, 1951	A-3637.

97	Baltimore & Ohio RR. Co., including Buffalo Division (formerly Buffalo, Rochester & Pittsburgh Ry.) and Buffalo & Susquehanna District. Chicago & North Western Ry. Co., including Chicago, St. Paul, Minneapolis & Omaha Ry., Louisville & Nashville RR. Co., Terminal Railroad Association of St. Louis and all other carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees (under supervision of Secretary of Army, E.O. 10155).	BLF & E	Nov. 6, 1951 (E.O. 10303)	Carroll R. Daugherty, Chairman; George Cheney, Andrew Jackson.	Jan. 25, 1952 (20-day extension to Dec. 26, 1951), (20-day additional extension to Jan. 15, 1952), (15-day additional extension to Jan. 30, 1952).	
98	Akron & Barberton Belt RR. Co., and other carriers (under supervision of Secretary of the Army E.O. No. 10155).	17 cooperating labor organizations (nonoperating).	Nov. 15, 1951 (E.O. 10306)	David L. Cole, chairman; George Osborne, Aaron Horvitz.	Feb. 14, 1952 (30-day extension to Jan. 15, 1952) (30-day extension to Feb. 15, 1952).	A-3744 with sub number.
99	Pan American World Airways, Inc	TWU of A, CIO	Dec. 17, 1951 (E.O. 10314)	Curtis G. Shake, chairman; William E. Grady, Jr., Walter Gilkyson.[7]	Feb. 16, 1952 (32-day extension to Feb. 18, 1952, see stipulation).	A-3827.
100	Northwest Airlines, Inc	IAM	Jan. 4, 1952 (E.O. 10319)	Due to the fact that parties to dispute returned to direct negotiations which resulted in an agreement between the parties, dated Apr. 24, 1952, no effort was made to name said board members although 3 30-day extensions of time were granted by the President for investigation and report of dispute. Under the above circumstances this emergency board functioned until said agreement was reached.	None made. (30-day extension of time to Mar. 5, 1952; requested extension of time made to May 5, 1952.)	A-3566.
101	Trans World Airlines, Inc	Flight Engineers' International Association, TWA Chapter.	July 9, 1952 (E.O. 10371)	Adolph E. Wenke, chairman; Robert O. Boyd, I. L. Sharfman.	Report to President, dated Aug. 29, 1952 (30-day extension to Sep. 7, 1952).	A-3968.
102	Northwest Airlines, Inc	IAM	July 10, 1952 (E.O. 10372)	do	Aug. 29, 1952 (30-day extension to Sept. 8, 1952).	A-3894.
103	United Air Lines, Inc	Flight Engineers International Association, UNA Chapter.	Nov. 6, 1952 (E.O. 10406)	Saul Wallen, Robert O. Boyd, Harold R. Korey.	Jan. 2, 1953 (30-day extension to Jan. 5, 1953).	A-3910.
104	New York, Chicago & St. Louis RR. Co	BRT	Apr. 24, 1953 (E.O. 10449)	No members appointed. Parties reached agreement on Apr. 26, 1953, thus no E.B. was set up for hearing this dispute.		A-4182.
105	Railway Express Agency, Inc	BRC	Dec. 16, 1953 (E.O. 10509)	Fred W. Messmore, William E. Grady, Jr., G. Allen Dash, Jr.	Feb. 17, 1954 (30-day extension time to Feb. 17, 1954).	A-4358.
106	Akron, Canton and Youngstown Co. and other carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	15 cooperating; nonoperating railway labor organizations.	Dec. 28, 1953 (E.O. 10511)	Charles E. Loring, chairman; Adolph E. Wenke, Dean Martin Paul Catherwood.	May 15, 1954 (52-day extension to Mar. 20, 1954) (41-day extension to Apr. 30, 1954) (15-day extension to May 14, 1954).	A-4336.
107	The Pullman Co	ORC & B	Oct. 16, 1954 (E.O. 10570)	Edward F. Carter, chairman; Edward B. Bunn, Howard A. Johnson.	Nov. 20, 1954	A-4599.
108	Capital Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Airlines, Inc., Eastern Air Lines, Inc.	IAM	Nov. 16, 1954 (E.O. 10576)	Adolph E. Wenke, chairman; James P. Carey, Jr., Francis J. Robertson.	Apr. 13, 1955 (30-day extension to Jan. 14, 1955) (30-day extension to Feb. 14, 1955) (30-day extension to Mar. 14, 1955) (30-day extension to Apr. 14, 1955) (30-day extension to May 14, 1955).	A-4579, A-4580, A-4581, A-4582, A-4583, A-4584.
109	Certain carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees.	ORC & B	Nov. 23, 1954 (E.O. 10578)	Edward M. Sharpe, chairman, John T. Dunlop, Charles A. Sprague.	Mar. 25, 1955 extended to Feb. 1, 1955 extended to Mar. 15, 1955, extended to Apr. 1, 1955.	A-4374.
110	do	BLF & E	June 17, 1955 (E.O. 10615)	Curtis C. Shake, chairman, G. Allan Dash, Jr., Martin P. Gatherwood.	July 30, 1955 (extension time to Aug. 1, 1955).	A-4854.
111	Railway Express Agency, Inc	International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America.	July 1, 1955 (E.O. 10622)	Robert G. Simmons, Chairman, Morrison Bandsaker, Benjamin C. Roberts.	Aug. 1, 1955	A-4779; A-4860.
112	New York Central System, lines East	ORC & B	Aug. 16, 1955 (E.O. 10630)	Mortimer Stone, chairman, Dudley E. Whiting, Arthur Stark.	Sept. 14, 1955	A-4712.
113	Pennsylvania RR. Co	Transport Workers Union of America, CIO.	Sept. 1, 1955 (E.O. 10635)	Howard A. Johnson, chairman, Walter R. Johnson, Mart J. O'Malley.	Oct. 26, 1955 (extended to Oct. 21, 1955) (extended to Oct. 31, 1955).	A-4717, A-4867.
114	The Albany Port District and other carriers represented by: Eastern, Western, and Southeastern Carriers' Conference Committees.	Cooperating and nonoperating railway labor organizations.	Nov. 7, 1955 (E.O. 10643)	Dudley E. Whiting, chairman; G. Allan Dash, Jr., John Day Larkin.	Dec. 12, 1955	A-4985.
115	Spokane, Portland & Seattle Co	BLE	Dec. 5, 1956 (E.O. 10691)	(8)	Extension of time granted to Feb. 3, 1957.	A-5245.
116	Akron & Barberton Belt Co. and other carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees.	BRT	Dec. 22, 1956 (E.O. 10693)	Nathan Cayton, chairman; Francis J. Robertson, A. Langley Coffey.	Mar. 15, 1957 (extension to Feb. 21, 1957) (extension to Mar. 18, 1957).	A-5248.
117	Railway Express Agency, Inc	IBT	Jan. 25, 1957 (E.O. 10696)	Paul H. Sanders, Chairman; Thomas C. Begley, Harold M. Gilden.	Mar. 21, 1957 (extension to Mar. 25, 1957).	A-5211.

See footnotes at end of table.

Emergency board index—Continued

No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
118	Toledo, Lorain & Fairport Dock Co.; Toledo, Lakefront Dock Co.; Cleveland Stevedore Co.	District 50, United Mine Workers of America, independent.	May 9, 1957 (E.O. 10709)	Nathan Cayton, chairman; Dudley E. Whiting, Morrison Handsaker.	June 7, 1957	A-5385, A-5386, A-5433.
119	General Managers' Association of New York representing: New York Central RR. Co.; New York; New Haven & Hartford RR. Co.; Brooklyn Eastern District Terminal; New York Dock Ry.; Bush Terminal RR.; Baltimore & Ohio RR. Co.; Pennsylvania RR.; Erie RR. Co.; Reading Co.; Delaware, Lackawanna & Western RR.; The Central RR. Co. of New Jersey.	International Organization of Masters, Mates and Pilots, Inc.	Aug. 6, 1957 (E.O. 10723)	James J. Healy, chairman; [7] Benjamin C. Roberts, Walter R. Johnson.	Sept. 20, 1957 (extension to Sept. 20, 1957).	A-5435.
120	Eastern Air Lines, Inc	Flight Engineers International Association, EAL Chapter.	Jan. 21, 1958 (E.O. 10749)	David L. Cole, Chairman; [7] Saul Wallen, Dudley E. Whiting.	July 21, 1958 (extension to Mar. 22, 1958) (extension to Apr. 28, 1958).	A-5612, E-148.
121	Eastern Airlines, Inc	ALPA International	Jan. 28, 1958 (E.O. 10750).	David L. Cole, chairman; Saul Wallen, Dudley E. Whiting.	July 21, 1958 (30-day extension to March 29, 1958) (add 30-day extension to April 28, 1958).	E-146.
122	Eastern Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Northwest Airlines, Inc., Northeast Airlines, Inc., Capital Airlines, Inc., National Airlines, Inc.	IAM	Feb. 27, 1958 (E.O. 10757).	Howard A. Johnson, chairman; Paul N. Guthrie, Francis J. Robertson.	Sept. 15, 1958 (extended 30 days to May 14, 1958).	A-5599, A-5613, A-5615, A-5618, A-5621, A-5642, A-5643.
123	Trans World Airlines, Inc	Flight Engineers International Association, TWA chapter.	Mar. 27, 1958 (E.O. 10760).	David L. Cole, chairman; Saul Wallen, Dudley E. Whiting.	July 25, 1958 (30-day extension to May 27, 1958) (add extension to June 26, 1958, July 23 and July 31, 1958).	A-5630.
124	American Airlines, Inc	ALPA, International	June 19, 1958 (E.O. 10770).	James J. Healy, chairman; Benjamin C. Roberts, Maynard E. Pirsig.	Sept. 3, 1958	A-5567, E-162.
125	Pan American World Airways, Inc	TWU of A, AFL-CIO	Apr. 22, 1959 (E.O. 10811).	Dudley E. Whiting, chairman; Morrison Handsaker, Arthur Stark.	June 15, 1959 (extension to June 15, 1959).	A-5914, E-193.
126	Atchison, Topeka & Santa Fe	BLE	Feb. 12, 1960 (E.O. 10862)	Dudley E. Whiting, chairman; Harold, M. Weston, R. W. Nahstoll.	July 15, 1960 (stipulation extension of time to June 1, 1960).	A-6117, E-218.
127	New York Central System	ORO & B	Feb. 29, 1960 (E.O. 10868)	Leo C. Brown, chairman; David R. Douglass, James P. Carey, Jr.	June 20, 1960 (stipulation extension approved until June 1, 1960).	A-5866.
128	Pan American World Airways, Inc	BRC	Mar. 18, 1960 (E.O. 10872)	Paul H. Cuthrie, chairman; Saul Wallen, Arthur Stark.	June 2, 1960 (stipulation extension approved until May 18, 1960).	A-6130.
129	Long Island Co	BRP	Apr. 18, 1960 (E.O. 10874)	Curtie G. Shake, chairman; Edward A. Lynch Lloyd A. Bailer.	May 18, 1960	E-213.
130	The Akron & Barberton Belt Co. and other carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees.	11 cooperating (non-operating) railway labor organizations.	Apr. 22, 1960 (E.O. 10875)	John T. Dunlop, chairman; Benjamin Aaron, Arthur W. Sempliner.	June 8, 1960	A-6157 A-6158.
131	Chicago, Rock Island & Pacific RR. Co	Western Carriers Conference Committee and SUNA.	May 23, 1960 (E.O. 10878)	Russell A. Smith, chairman; Harold M. Gilden, Morrison Handsaker.	July 8, 1960 (extended to July 15, 1960).	A-6082.
132	The Pennsylvania RR. Co	TWU of A, Railroad Division and Railway Employees Department, AFL-CIO, System Bd. No. 152.	May 20, 1960 (E.O. 10877)	Frank P. Douglass, chairman; Paul H. Sanders, A. Langley Coffey.	June 24, 1960 (extended to June 24, 1960).	A-5949, E-134.
133	New York Harbor Carriers' Conference Committee	Employees represented by labor organizations, members of the Railroad Marine Harbor Council.	Sept. 26, 1960 (E.O. 10888)	Dudley E. Whiting, chairman; Benjamin C. Roberts, William H. Coburn.	Dec. 10, 1960	A-6217.
134	do	Lighter Captains' Union, Local No. 996.	Jan. 12, 1961 (E.O. 10904)	James T. O'Connell, chairman; [7] David R. Douglass, Harold M. Gilden.	Mar. 6, 1961 (extended to Feb. 25, 1961), (extended to Mar. 11, 1961).	A-6352
135	Pan American World Airways	Flight Engineers International Association, PAA Chapter.	Feb. 17, 1961 (E.O. 10919) (amended E.O. 10926, dated Mar. 18, 1961).	G. Allan Dash, Jr., chairman; [7] Arthur Stark, Edward A. Lynch.	June 20, 1961	A-6245.
136	Northwest Airlines, Inc	IAM	Feb. 24, 1961 (E.O. 10923)	Paul N. Guthrie, Chairman; [7] Benjamin Aaron, Paul B. Hanlon.	May 24, 1961	A-6176, A-6343.
137	Baltimore & Ohio RR. Co. and other carriers	Eastern, Western, and Southeastern Carriers Conference Committees and Railroad Yardmasters of America.	May 19, 1961 (E.O. 10944)	Harold M. Gilden, Chairman; Leo C. Brown, William H. Coburn.	July 10, 1961 (extended to July 19, 1961).	A-6360.
138	Southern Pacific Co. (Pacific Lines)	ORT	July 20, 1961 (E.O. 10953)	Harry H. Platt, Chairman; [7] Hubert Wyckoff, Morrison Handsaker.	Sept. 15, 1961	A-5904, A-6083.
139	The Pullman Co. and Chicago, Milwaukee, St. Paul & Pacific RR. Co.	ORC & S	Sept. 1, 1961 (E.O. 10963)	David R. Stowe, Chairman; Bryon R. Abernethy, H. Raymond Cluster.	Dec. 11, 1961 (extended to Oct. 30, 1961) (extended to Nov. 30, 1961) (extended to Dec. 15, 1961).	A-6380, A-6400.
140	Trans World Airlines, Inc	TWU of A, AFL-CIO	Oct. 5, 1961 (E.O. 10965)	Saul Wallen, chairman; Israel Ben Scheiber; Emanuel Stein.	Nov. 3, 1961	A-6537.
141	Reading Co	IOOM & P, Local No. 14	Oct. 11, 1961 (E.O. 10969)	Joseph Shister, chairman; Lloyd H. Bailer; Edward A. Lynch.	Dec. 5, 1961	A-6246.
142	Trans World Airlines, Inc	ALPA, International	Jan. 1, 1961 (E.O 10971)	Donald B. Straus; Morrison Handsaker; Patrick J. Fisher, chairman.	Dec. 15, 1961	A-6407.
143	Pan American World Airways, Inc	do	Nov. 10, 1961 (E.O. 10975)	Leo C. Brown, Chairman; Eli Rock; Arthur M. Moss.	Dec. 10, 1961	A-6328.
144	Eastern Air Lines, Inc	Flight Engineers International Association.	Feb. 22, 1962 (E.O. 11006)	Theodore W. Kheel, chairman; Paul N. Guthrie; Byron R. Abarnethy.	May 1, 1962	

145	Akron & Barberton Belt RR. and other carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	11 cooperating railway labor organizations.	Mar. 3, 1962 (E.O. 11008)	Saul Wallen, chairman; Lawrence E. Seibel, Edward A. Lynch.	May 3, 1962	A-6627.
146	Trans World Airlines, Inc	Flight Engineers International Association, TWA Chapter	Mar. 20, 1962 (E.O. 11011)	James C. Hill, Chairman; Thomas C. Begley, Arthur W. Sempliner.	May 1, 1962	A-6406.
147	Chicago & North Western Ry. and the former Chicago, St. Paul, Minneapolis & Omaha RR.	ORT	Apr. 23, 1962 (E.O. 11015)	Arthur Ross, Chairman; Paul D. Hanlon, Charles C. Killingsworth.	June 14, 1962	A-5696, A-5739.
148	New York Central RR. System and Pittsburgh & Lake Erie RR.	ORT	June 8, 1962 (E.O. 11027)	Joseph Shister, Chairman; Walter F. Eigenbrod, J. Harvey Daly.	Aug. 30, 1962	A-5809, A-6063.
149	American Airlines, Inc	TWU of A, AFL-CIO	June 20, 1962 (E.O. 11033)	Paul N. Guthrie, Chairman; James J. Healy, Burton B. Turkus.	No formal report, Aug. 11, 1962.	A-6582, A-6663.
150	Belt Ry. of Chicago	BLE	Aug. 6, 1962 (E.O. 11040)	Paul D. Hanlon, Chairman; David H. Stowe, Frank D. Reeves.	Mar. 4, 1963 (extension to Jan. 5, 1963).	A-6690.
151	Southern Pacific Co. (Pacific Lines)	BRC	Aug. 10, 1962 (E.O. 11042)	Keith J. Mann, Chairman; John F. Sembower, Abram H. Stockman.	Dec. 31, 1962	A-6617.
152	Pan American World Airways, Inc	TWU of A, AFL-CIO	Aug. 14, 1962 (E.O. 11043)	James C. Hill, Edward A. Lynch, Theodore W. Kheel, Chairman.	Dispute resolved by mutual agreement between parties.	A-6701.
153	REA Express	International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America.	Sept. 14, 1962 (E.O. 11050)	Jacob Seidenberg, Chairman; J. Glenn Donaldson, Robert J. Ables.	Nov. 10, 1962	A-6671 A-6696.
154	Eastern, Western, Southeastern Carriers' Conference Committees.	BLE, BLF & E, ORC & B, BRT, SUNA.	Apr. 3, 1963 (E.O. 11101)	Samuel I. Roseman, Chairman; Nathan P. Feinsinger, Clark Kerr.	May 13, 1963	A-6700.
155	Pullman Co.; Chicago, Rock Island & Pacific RR. Co.; New York Central; Soo Line RR.	BRCP	July 4, 1963 (E.O. 11115)	Jacob Seidenberg, Chairman; J. Keith Mann, Frank D. Reeves.	Nov. 2, 1963	A-6794, A-6795, A-6796, A-6797.
156	United Air Lines, Inc	IAM	Oct. 9, 1963 (E. O. 11121)	Paul D. Hanlon, chairman; Eli Rock, Laurence E. Seibel.	Nov. 18, 1963	A-6905.
157	Florida East Coast Co	11 cooperating railway labor organizations.	Nov. 9, 1963 (E. O. 11127)	Harry H. Platt, chairman; Derek Bok, Paul N. Guthrie.	Dec. 23, 1963	A-6627, sub. No. 1.
158	Braniff International Airways, Continental Airlines, Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc.	IAM	Dec. 11, 1963 (E. O. 11131)	Ronald D. Haughton, chairman; Lewis M. Gill, John W. McConnell.	No report (Jan. 20, 1964 agreement).	A-6898, A-6899, A-6900, A-6901, A-6903, A-6904.
159	Eastern, Western, Southeastern Carriers' Conference Committees.	BRS	Jan. 3, 1964 (E. O. 11135)	James C. Hill, chairman; Joseph Shister, Michael Deane.	Apr. 3, 1964	A-6967.
160	National Railway Labor Conference	RED	Mar. 17, 1964 (E. O. 11147)	Saul Wallen, chairman; Jean T. McKelvey (Mrs.), Arthur M. Ross.	Aug. 7, 1964	A-7030.
161	do	RED	Aug. 18, 1964 (E. O. 11169)	Richardson Dilworth, chairman; Paul D. Hanlon, Rabbi Jacob Joseph Weinstein,[9] Robert J. Ables, Lewis M. Gill, H. Raymond Cluster, Frank J. Dugan.	Oct. 20, 1964	A-7107.
162	National Railway Labor Conference	11 cooperating railway labor organizations.	Aug. 18, 1964 (E.O. 11168)	(Same as E.B. 161)	do	A-7127.
163	National Railway Labor Conference	5 cooperating railway labor organizations.	Aug. 18, 1964 (E.O. 11170)	do	do	A-7128.
164	National Railway Labor Conference	BLF & E	Sept. 24, 1964 (E.O. 11180)	Ronald D. Haughton, chairman; Jacob Seidenberg, Louis Crane.	Nov. 5, 1964	A-7173.
165	Atchison, Topeka & Santa Fe	Brotherhood of Railroad Trainmen	Sept. 11, 1965 (No. 11243)	Settled in conference between parties	None	A-6318.
166	5 carriers (EAL, NAL, NWA, TWA, UAL)	International Association of Machinists & Aerospace Workers, AFL-CIO.	Apr. 21, 1966 (No. 11276)	Wayne Morse, Chairman; David Ginsburg; Richard E. Neustadt.	June 5, 1966	A-7655.

[1] Interpretation of report to President dated Aug. 24, 1948.
[2] Clarification of report to President July 23, 1948.
[3] Interpretation of report to President dated June 29, 1949.
[4] Appointed to serve 1st time.
[5] Appointed to serve as member of R.B. for 1st time.
[6] See E.B. No. 63, under supervision of Government also. See E.B. No. 83, restraining order.
[7] Named by White House.
[8] Withdrawn—A settlement was reached between the parties by an agreement dated Jan. 10, 1957 and effective Jan. 16, 1957.
[9] Weinstein appointed Sept. 22, 1964, to replace John W. McConnell who resigned (E.B. 161-162-163 appointed Aug. 18, 1964, by separate Executive orders and heard by same 7-man Board).

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. CLARK. I shall be happy to yield.

May I say to Senators that I am prepared to yield at this point to any Senator who wishes to engage in colloquy. I have 5 or 10 minutes more in which to complete my statement, but I shall be glad to put that off in order to get these questions out of the way.

I wish to say, for the information of Senators, that when I complete my statement, it is my understanding that the majority leader will propose a unanimous consent agreement limiting the time for debate.

Mr. ERVIN. I should like to ask the Senator from Pennsylvania if it is not a fact that the present provisions of the Railway Labor Act have been exhausted and are no longer applicable.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. So that we now have no law whatever with which to deal with this situation.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. Does not the Senator from Pennsylvania agree with the Senator from North Carolina that law is a rule of action?

Mr. CLARK. I have a feeling I cannot agree with that until I hear the next question of the Senator. I do not believe that law is action. My view is that legislation lays down the rules of the game, and action is taken by the Chief Executive.

Mr. ERVIN. Since the provisions of the Railway Labor Act have been exhausted in respect to the controversy giving rise to this strike, there is now no law prescribing what action either management or the union shall take in this connection.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. I should like to direct attention to subparagraph (b) of section 1, on page 2 of the resolution reported by the committee. Does it not contain this provision:

(b) The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. Would not that language state the conviction of Congress, if it is enacted, that something should be done?

Mr. CLARK. It does, indeed.

Mr. ERVIN. And then the committee resolution says that the provisions of the Railway Labor Act can be reinstated, in the discretion of the President.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. Is that not delegating, or attempting to delegate, to the President the power to make law?

Mr. CLARK. No. Congress makes the law; the President executes it.

Mr. ERVIN. If the President so decides, in his discretion, the President may reinstate the 180-day provision of the Railway Labor Act. Is that not what section 2 of the resolution reported by the committee provides?

Mr. CLARK. It certainly puts the discretion in the hands of the President.

I wish to point out that the statute books of the United States are full of discretionary authority given to the President, far wider than that given to him in this instance.

Mr. ERVIN. Does the Senator from Pennsylvania believe that all the discretion belongs to the President and none to Congress?

Mr. CLARK. The Senator is asking a rhetorical question, and I answer his question "No."

Congress is now debating whether it should act or not. A number of Senators will vote against the resolution. I believe that we are exercising wide discretion in connection with this debate by which we will determine what, if anything, we wish to do. The whole purpose of legislation is to exercise our individual and collective discretion.

Mr. ERVIN. In simple English, does not section 2 provide this: that the 180-day provision of the Railway Labor Act will be reinstated only by the President of the United States and not by act of Congress?

Mr. CLARK. No. I believe the Senator is misreading the purport of section 2.

I would phrase it this way: As the Senator has said, all authority under the Railway Labor Act has expired. The President is the individual who, in the opinion of the majority of the members of the committee, should be given the authority to take the emergency measures which are essential to the settlement of the dispute; and in making up his mind what if anything to do, he should have the authority to do what he sees fit.

In short, we give the President a charter of authority, and we do not attempt to dictate how he uses it.

Mr. ERVIN. Section 2 provides that the President may reinstate the provisions of the law which have now been exhausted. Is that not what section 2 provides?

Mr. CLARK. The Senator is entitled to his opinion. I do not believe a continuation of this colloquy will help clarify the matter. I believe it is fairly sterile.

Mr. ERVIN. Not only is it not sterile, but also, I believe it is pregnant with meaning.

Mr. CLARK. That is a new thought.

Mr. ERVIN. Does not section 2 provide, as follows:

SEC. 2. The period of time provided for in section 10 of the Railway Labor Act, paragraph 3, during which no change, except by agreement, shall be made by the parties to the dispute, or affiliates of said parties, in the conditions out of which the dispute arose, may, in the discretion of the President, be reinstated and extended for such period or periods of time as may be determined by him upon issuance by him of an Executive order or orders so providing:

Mr. CLARK. That is exactly what it provides.

Mr. ERVIN. And does it not say that the President can extend it for 180 days or any less time he pleases?

Mr. CLARK. It certainly does.

Mr. ERVIN. And the Senator from Pennsylvania contends that that is not an attempt to delegate to the President the power to make law?

Mr. CLARK. No, it is not an attempt to delegate such power. I disagree with the Senator 100 percent in that statement.

Mr. ERVIN. One could not read this statute and find how long it would be reinstated, could one?

Mr. CLARK. Section 10 of the Railway Labor Act gives the President that discretion now. We are not changing that in any way but only extending it for a further period.

Mr. ERVIN. That power has been exercised by the President and has been exhausted. The Senator from Pennsylvania [Mr. CLARK] assured me of that in response to my first question. The President has no power under the Railway Labor Act at this time to extend anything or reinstate anything because his power has been exhausted.

This bill would provide that the President could do that if he saw fit; in other words, that he may do it or may not do it as he sees fit; the bill would allow the President to establish rules of action to govern the airlines and the members of the union for 180 days or any less period. That, in substance, is permitting the President to make laws—a power which belongs to Congress alone.

Mr. CLARK. I must disagree with the Senator again. The President can order the men back to work for up to 180 days, but he cannot establish the rules of action during this period.

Mr. ERVIN. I shall say one further thing. This bill would emulate Pontius Pilate and say on behalf of the Congress: We are going to wash our hands of responsibility, and let the President assume it.

I thank the Senator for yielding. I trust that I have not trespassed too much on his patience or his time.

Mr. CLARK. I thank the Senator for his usual courtesy and good humor.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Kentucky.

Mr. COOPER. I was very much interested in the statement made by the Senator from Pennsylvania [Mr. CLARK] a few moments ago when, I believe, he said he was not sure himself whether or not the President should use the authority proposed to be given to him.

Mr. CLARK. The Senator is correct.

Mr. COOPER. Is it correct then that the committee in reporting the resolution did not mean what it said—that there is an emergency and that transportation should be maintained?

Mr. CLARK. I think that I can answer the Senator's question in this manner. There are some members of the committee and some Members of the Senate who think that the free reign of collective bargaining should be permitted to continue for an appreciable period of time without ordering the men back to work.

They do not think that the situation is critical enough for the exercise of Presidential and congressional authority. I do not think that I agree with them. But a pretty good case can be made that the situation is not yet serious enough to set aside labor's right to strike.

Mr. COOPER. The Senator is saying that some members of the committee believe the President should not invoke the authority that would be given to him under the resolution immediately.

Mr. CLARK. Yes.

Mr. COOPER. They believe that he should wait until such time as he chooses to use the authority—and perhaps not use it at all—to send the men to work and resume operations of the airlines.

Mr. CLARK. The Senator is correct, some members feel that way.

This was the strongest measure that we could bring out of the committee. I am prepared to support it. A more drastic bill was defeated. It was a close vote, but it was defeated. The question was this resolution or nothing, and I believe it is an acceptable compromise.

Mr. COOPER. It is quite interesting that the resolution invokes the emergency settlement provision of the Railway Labor Act; and also provides in subsection (b), the preamble, that—

> Emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

The language implies strongly that the committee wants something done now, and yet the Senator has stated to me that it is not certain if it wants anything done.

Mr. CLARK. I think that every member of the committee except one thought that some action should be taken now. Ten members of the committee thought that that action should be temperate and moderate and should leave a substantial amount of discretion in the hands of the President in the days immediately ahead.

A good many members of the committee, but less than a majority, thought that Congress should take the bull by the horns and direct the men to go back to work. I am not of that view.

Mr. COOPER. I know that there is always reluctance, and properly so, I agree, to prohibit legislatively the continuance of a strike. However, the resolution which has been reported by the committee, and the Morse resolution, contain language which would prohibit the continuance of the strike when the authority is invoked. Congress cannot escape the fact that it is writing into law, that a strike cannot continue after the prohibition is invoked. Is that not correct?

Mr. CLARK. No. I think that the committee bill gives the President another tool with which to terminate the dispute, if he thinks it wise to do so.

To me this is temperate and moderate legislation, whereas, in my judgment, the Morse resolution is punitive legislation which orders the men back to work and leaves nothing for the President. That is the difference.

Mr. COOPER. We are arguing about language, but I believe that section 2 is essentially the same in both resolutions by providing that when the action is triggered, whether by the President or Congress the continuation of a strike, would be prohibited. That is clear.

Mr. CLARK. I wish to say to the Senator from Kentucky [Mr. COOPER], I think that the phrase he referred to on page 2, line 16, "emergency measures are essential," still leaves open what emergency measures are essential.

Mr. COOPER. Would the Senator agree with this statement? The public would like to see work stoppage ended and collective bargaining to settle the disputes over wages and other issues resumed. It is correct, is it not, that the Morse resolution, immediately upon its passage and approval by the President would set in motion measures that would end the work stoppage and start collective bargaining, while the resolution that has been reported by the committee gives no such assurance.

Mr. CLARK. Let me make a point.

Mr. COOPER. I would like to know if that is an essential difference between the two resolutions.

Mr. CLARK. Yes, but let me say this to the Senator from Kentucky. The traveling public, or at least that part of the traveling public which goes by air, is very much upset by this. I have been enormously inconvenienced by the stoppage myself. I imagine that every Senator and Congressman, and most of the big corporate executives in the country have been.

Mr. COOPER. I have not been inconvenienced but it is a question of general transportation.

Mr. CLARK. The Senator is fortunate if he has not been inconvenienced by the strike.

Mr. COOPER. Considerable air traffic is shut off in Kentucky, but I have not been greatly inconvenienced.

Mr. CLARK. It is largely public inconvenience directed at the power structure of this country. When the Greyhound Bus Co. went on strike a couple of years ago there was not the slightest suggestion that the Federal Government should intervene, and I think that a great many more people were inconvenienced then than are now being inconvenienced by the airline strike. But those were people who could not raise such a hue and cry.

I believe we should take action, but it is not all that clear.

Mr. COOPER. I think I have made my point. My question was answered. I believe it must be true, that a majority or part of the committee is saying—although an emergency resolution has been reported—that they do not believe at this point that immediate action is required.

Mr. CLARK. That is not a fair statement, Senator. Let me say candidly that the majority of the committee believe that the President should be given authority to bring the men back to work.

They believe it firmly and implicitly, and so do I. But the majority of the committee did not believe that Congress should order these people back to work. I invite attention to the fact that in the testimony given before the committee by the Secretary of Labor, in response to a colloquy which I had with him, I said to him, "What difference does it make, Mr. Secretary, whether the Congress orders these people back to work or the President orders these people back to work?"

He said, "Not much."

I said, "I agree with you."

The only resolution we could get reported by the majority of the committee, particularly by a majority of the Democratic members, by 8 votes out of 10, was the resolution now before the Senate. I believe it is an acceptable compromise.

Mr. COOPER. It is a compromise.

Mr. PELL. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from Rhode Island.

Mr. PELL. I thank the Senator. I have a general statement I should like to read, and then some questions for the Senator, or would he rather I delayed my statement?

Mr. CLARK. No, I would be happy to have the Senator proceed as he wishes.

Mr. PELL. Mr. President, to my mind, strikes such as the present airline dispute, affecting the public interest, are obviously harmful to our Nation.

The question is whether this strike is a national emergency or whether it is a national nuisance, a national inconvenience, affecting the leaders of opinion, those who are articulate, those who are the leaders of our Nation.

The administration's witness, Secretary of Labor Wirtz, testified to the effect that this is not a national emergency, that more than 96 percent of intercity passengers are moving exactly as they always have, that 99.9 percent of freight movements have been unaffected.

For these reasons, I find myself most reluctant to take a step which would order men back to work under sanction of fine or jail. Such a measure has not been taken since the railroad strike of 1917. Under the present circumstances, I think it would be incorrect to go any further than the committee resolution, by which we have given the President the authority to order the workers back to work. This in itself, to my mind, would be a most serious step.

Mr. CLARK. I thank the Senator.

Mr. PELL. I would also like to add that, I think the word "authorized," proposed by my own senior colleague [Mr. PASTORE] perhaps expresses more fully the intent of our committee than the wording in the reported resolution.

In this connection, Senator CLARK, I want to be sure that my memory is correct—Did not the Secretary of Labor testify, not only last week, but again on yesterday, that we were not by any stretch of the imagination in an emergency state?

Mr. CLARK. He did testify that we did not yet have a national emergency. I must repeat that it does not make any real difference because the relevant test is the Railway Labor Act test—that is, a substantial interruption of interstate commerce.

Mr. PELL. The following question then comes to mind. Why is it that for the first time since 1917 the Senate is asked to order men back to work which means that if they don't comply they go to jail? Is it because this is the most serious strike that has affected the national interest since 1917, or is it because it has affected those who are articulate, leaders of opinion, the most informed people in our country? What

would be the opinion of the Senator from Pennsylvania?

Mr. CLARK. I find it difficult to answer that question.

Mr. PELL. I subside. I thank the Senator.

Mr. KENNEDY of New York. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from New York.

Mr. KENNEDY of New York. Is the Senator aware of the fact that there have been a number of cases over the past 15 years in which the Taft-Hartley Act has been used and in which the President of the United States declared a national emergency?

Mr. CLARK. I am.

Mr. KENNEDY of New York. That provides for an 80-day cooling off period, if a Federal court issues an appropriate injunction after the President, in his discretion, invokes the Taft-Hartley emergency provisions.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. Is the Senator also aware of the fact that in a number of those cases after the President had declared a national emergency and a court had issued an injunction and an 80-day cooling off period had transpired, a strike then occurred and yet Congress took no action to send those workers back to work? And in the present case, by contrast, the Secretary of Labor told the committee there is no national emergency.

Mr. CLARK. The Senator is correct. But let me point out that the airlines are under the Railway Labor Act, not under the Taft-Hartley Act. Nevertheless, what the Senator said is correct.

Mr. KENNEDY of New York. What I am talking about, really, is, first, the committee considered whether the Taft-Hartley standard should be used to govern the question of whether Congress should act in these extraordinary circumstances, and whether it was in fact a national emergency. The author of the resolution and the committee then learned that there was no national emergency when the Secretary of Labor appeared before the committee and said that there was no national emergency and that, therefore, legislation was not warranted on that basis. After that, they changed it to the Railway Labor Act.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. Then under the Railway Labor Act, if we use that language, which the Senator's statement and that of the Senator from Kentucky [Mr. COOPER] used, we come to the fact that it has been used 167 times, often to deal with local incidents and disagreements in one community in one part of the United States. That is far different from the kind of drastic finding that we have associated with the Taft-Hartley law.

Mr. CLARK. I wonder whether the Senator would agree with me that it was necessary, in those 166 times, for the President to find that emergency measures were essential to a settlement of the dispute.

Mr. COOPER. Let me intervene to comment that with respect to the act as passed by Congress in 1963, approved August 28, 1963, dealing with labor disputes between railroad carriers, and railroad employees the language used in that act is the same language used in the resolution reported by the committee declaring an emergency.

Mr. CLARK. That is the Railway Labor Act measure?

Mr. COOPER. Yes. And Congress in that act did prohibit strikes and lockouts.

Mr. CLARK. But let me point out to the Senator that the emergency then was far greater than that which now exists.

Mr. COOPER. Of course it was.

Mr. CLARK. That was a situation which threatened to tie up all railroads in the country and to prevent passengers and freight from moving. Here, there are 5 of 11 trunk airlines on strike. The only people being inconvenienced are those who constantly use air traffic. That is a very small percent of the whole.

Mr. COOPER. I understand that the situations are different. I raise my questions because it seems to me rather inconsistent for the committee to report a bill declaring an emergency, recommend its immediate passage, and then say, on the other hand, that perhaps the President should not act.

Mr. CLARK. We are trying our best to get the resolution passed, which will make it possible to take action. We are doing our best to get that resolution passed.

Mr. KENNEDY of New York. The legislation passed in 1963 was promised on the Railway Labor Act kind of finding, but in circumstances which clearly would have justified a Taft-Hartley finding, which the Secretary of Labor has told us cannot be justified here. In 1963, the President declared that there was an emergency. He said that, "the national defense and security would be seriously harmed." Then he asked for the legislation.

Neither of these ingredients is present at the present time.

Additional information was made available to Congress and to the general public at that time. The Council of Economic Advisers stated that by the 30th day of the strike, if a strike were to occur, 6 million nonrailroad workers would be laid off, in addition to 700,000 railway employees, and unemployment would reach 15 percent nationally—the highest since 1940. There would be a decline in the gross national product four times as great as during the Nation's worst postwar recession.

That was our situation in 1963 in the railway crisis.

Mr. COOPER. Mr. President, I remember that the late President of the United States took those important steps. He had exhausted all possible steps for settlement. I have been surprised by the implication that the emergency is not important enough to take action, except just to pass it on to the President. Perhaps he will not act and perhaps he will. Perhaps it will be all right if he does not act. This does not seem to be in harmony with the fact that we are are legislating in an emergency situation.

Mr. KENNEDY of New York. I would say to the Senator that as a member of the Committee, I had serious reservation about this question of whether this is the kind of emergency in which we should legislate at all. But it was felt strongly by the leadership and others that the Senate as a body should have the right at least to consider the legislation, and that we should present the Senate with the best possible law to be applicable in this particular situation. After four days of struggling within the committee we arrived at something to take before the Senate and that is what we are discussing. But I would emphasize that I think all the facts that were before us in committee should be available to Senators to help them in deciding for themselves whether any legislation at all should be passed. And I would add that I still have serious doubt as to whether any legislation at all should be passed.

Mr. CLARK. Has the Senator from New York completed his colloquy?

Mr. KENNEDY of New York. Yes.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Colorado.

Mr. DOMINICK. I wish to comment on the remarks of the Senator from New York. We had direct testimony from the Secretary of Labor that the strike was costing the airlines $7 million a day; gross revenues to the country in the amount of $1 million; was adversely affecting the balance of payments $1 million a week, which condition is perfectly awful already. It has put 150,000 passengers a day on the ground, where they cannot get transportation. It has put out of work 35,000 employees of the airlines who are on strike. It has put out of work 36,000 to 37,000 employees who are involuntarily out of work.

It strikes me that while perhaps this may not be a national emergency, we have had a breakdown in transportation services which absolutely demands some kind of action. That is why I think Congress should move faster and take its responsibility, instead of passing the buck to the President as is provided in the Clark resolution.

Mr. CLARK. Mr. President, if no other Senator desires to ask questions, I should like to speak briefly in order to complete my presentation of the joint resolution.

In conclusion, I should like to emphasize, in the words of page 2 of the committee report, that four essential features of the legislation cannot be overemphasized.

First, the committee believes that the dispute, in the words of section 10 of the Railway Labor Act: "threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service."

I think I am correct in saying that all 16 members of the committee concur in that conclusion. This is because the evidence presented to the committee at its hearings on July 27, and again on

August 1, 1966, could lead to no other conclusion than that many sections of the country have in fact been deprived of essential interestate transportation service.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. RANDOLPH. I do not want to interrupt the continuity of the Senator's presentation, but I think it is important for us to realize that there are approximately 4,100 scheduled operations, that have not been operating since the beginning of the strike, every 24 hours. Think of it—4,100 daily flights are not now in operation.

Mr. CLARK. The Senator is correct.

May I point out to my friends from the other 48 States the tremendous damage which is being done to the States of Hawaii and Alaska, which depend on air transportation to a far greater extent than does any other State of the Union.

I reiterate that the evidence presented to the committee could lead to no other conclusion than that many sections of the country have in fact been deprived of essential interstate transportation service.

That is the first point.

The second point is that the authority vested in the President by this resolution is entirely permissible. The President is not required, nor is he necessarily expected, to exercise that authority. The President, both under the National Labor Relations Act, under Taft-Hartley, and the Railway Labor Act, which includes the airlines, is already vested with discretionary authority. All we are doing is giving the President more of the same discretionary authority which he already has.

The majority of the committee believed that it is the President, rather than the Congress, who should judge whether requiring the employees in this case to return to work would be in the best interest of achieving a fair and just settlement of this dispute.

I would not want to foreclose the possibility that the President, who is in intimate day-to-day contact with progress in the negotiations may find an opportunity, in talking informally, either directly or through intermediaries, with the representatives of the carriers and the labor union, of invoking an arrangement under which, if another week of collective bargaining were carried on, he could get a commitment, possibly off the record, which would result in a settlement of the dispute under collective bargaining, rather than under the gun of congressional or Presidential order.

So I think if anyone wanted to see the strike settled as soon as possible—and I think all Senators want to see that—we ought to leave the tool in the hands of the President, instead of using arbitrary—and I use the word advisedly— intervention in an attempt to in effect exercise, not legislative, but executive authority.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. I express admiration for the way in which the distinguished Senator from Pennsylvania is handling the joint resolution and also for his diligence within the committee.

Mr. CLARK. May I interrupt the Senator from West Virginia to acknowledge publicly my debt and that of all the other members of the committee to him. If it had not been for his wise and calm counsel, I do not believe we would have the measure on the floor of the Senate today.

Mr. RANDOLPH. I am grateful to the Senator from Pennsylvania.

Mr. President, when we speak of the cutback in essential air service being felt with greater impact in certain areas of the country, I should be remiss in my duty if I did not remind Senators that the State of West Virginia, as well as some other similar states, feels the impact of any cutback for a very natural reason—and that is the terrain.

My State is known as "The Mountain State," and with good reason. The topography is a delight to our citizens and our tourists, but it does present transportation problems.

Our roads and highways are winding, with steep inclines and numerous bends and curves; our railroad beds follow valleys, circle or tunnel through mountains, as the physiography permits. Neither truck nor train can move with the speed possible in the great flat lands of the midwest and southwest parts of our Nation. We are, therefore, totally dependent on air transportation for speed in the movement of both persons and perishable, or necessary, goods.

It has followed, then, that in my State a loss which would be minor to a large metropolitan area can reach major crisis proportions in its effects on the West Virginia economy.

One presently functioning air carrier has been given permission, within the flexible framework established by the Civil Aeronautics Board, to reduce the number of flights serving one community, Morgantown, in West Virginia, and to reroute them on another operation which is, the carrier says, more in the public interest. This carrier has removed 5 of its flights from Morgantown, which has a population between 25,000 and 30,000.

This city is also the site of West Virginia University, and the university student body, the faculty, and the maintenance personnel constitute an additional 15,000 people. Morgantown lies in a mountainous area and is now suffering a severe loss in the number of flights it has available for service.

I referred, during the hearings, to research at the university being curtailed because of the strike.

Another air carrier has suspended all of its flights into Wheeling, W. Va.

I do not want to belabor the point, but I do want to remind my colleagues that it is not only the large cities—New York, Chicago, Los Angeles—or distant States—Hawaii and Alaska—that are deprived of needed service.

It is our entire country—our America—a nation which is vital, fast moving, mobile; a nation whose people move on wheels and wings.

It matters not whether we call the situation a "national emergency" or try to use refined language to spell out its effects. The facts have shown, in the loss of dollars and cents, in loss of employment, in delays in the transport of needed goods, in breakdowns of vital professional services—to industry, education, the Government—that this strike is debilitating to America.

What we used to call an emergency, under the conditions we knew 20 or 30 years ago, during two World Wars, has no meaning now. Our society has changed too drastically for us to rely, within the framework of realism, on those old definitions.

Whether we use the old approach, however, or a new, more modern, set of criteria, we must use the facts which were presented to our committee. And these facts tell us that this airlines strike is a most serious matter, indeed.

Members of Congress, as they think in terms of passage of the proposed legislation, are, I am sure, thinking in terms of responsiveness to the American people. Our people look to us to be responsible Members of the Senate in a time like this. Although we may disagree upon the way in which we shall act, frankly—and I say this calmly—it is the responsibility of Congress to act now.

Mr. CLARK. The Senator from West Virginia has eloquently stated the reasons why I support the committee joint resolution. I thank him for his helpful intervention.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. PASTORE. What strongly appeals to me about the joint resolution as it is presently sponsored—and I hope we may have some clarification of the record in order to obviate or eliminate passing the buck to the President—is that Senators who voted for the pending measure are courageous Members of the Senate, who are willing to assume their responsibility and do not want to pass it to anyone else.

Mr. CLARK. I thank the Senator from Rhode Island for his comment.

Mr. PASTORE. What appeals to me more than anything else is that the Senators who are sponsoring the joint resolution have not been personally engaged in this controversy, and cannot be accused of either rancor or vindictiveness. They are men of objectivity, men who, after hearing all of the evidence, have rendered what I consider to be an impartial report. They have no ax to grind. They are not antilabor; they are not antimanagement. They have not been so involved in the controvery as to lose any sense of impartiality.

That is what appeals to me, and that is the reason why I hope that, once the resolution is modified or clarified, it will be passed by the Senate.

Mr. CLARK. I thank the Senator very much.

Mr. President, I shall speak only 1 or 2 minutes more, and then I shall yield the floor.

My third point, is that the resolution is not intended to be and does not constitute permanent legislation; nor does it amend the Railway Labor Act or extend the provisions of section 10 of that act except with respect to the present

labor dispute involving the five airlines, and such other airlines as might threaten to go on strike in the next 6 months.

Thus, the moment the five airlines and their employees settle the dispute which has given rise to this proposal, the resolution would expire; its legal provisions would become inoperative; and there would be no law on the statute books that was not there before the airlines strike started.

My fourth point is that the resolution is not intended to indicate a precedent for congressional or Executive action with respect to any future labor disputes. We do not wish to make a precedent; and I state for the record, as a matter of legislative history, the committee does not think it is creating a precedent which would enable every other group to come rushing to Congress for legislation. This is an ad hoc solution to a situation which is creating vast disruption in interstate commerce in various areas of the country. The committee does not believe that it, or Congress, should become involved or intervene except in extraordinary circumstances, on an ad hoc basis.

I hope that the labor agreements which are on the horizon, and which must be negotiated in the next 6 months, can be kept out of Congress.

I also hope that the President will shortly make good on the promise he made in his state of the Union message, to send down permanent legislation dealing with national emergency strikes. I hope such legislation will be carefully considered by the relevant committees of Congress, and enacted into law before we adjourn this year. It may well be needed, by reason of the many negotiations which we already know are moving slowly but surely to a critical situation.

Therefore, Mr. President, for the reasons I have stated, I very much hope that the committee resolution will be passed. With that thought, I am prepared to yield the floor.

Mr. PASTORE. Mr. President, will the Senator yield for one further question? That will complete my interrogation of the Senator from Pennsylvania.

Mr. CLARK. I am happy to yield.

Mr. PASTORE. Is it not a fact that should this strike endure long enough, the trunklines involved, if their financial picture became serious enough, would under existing law be entitled to Government subsidies?

Mr. CLARK. The answer is "yes."

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. PROUTY. Mr. President, I rise to speak in support of Senate Joint Resolution 186 reported to the Senate by the Committee on Labor and Public Welfare.

Our committee has put in long hours of hard work since last Wednesday considering what would be the best possible means of coping with the current airline strike. In my opinion, the committee has done a fine job of drafting legislation under extreme pressure and emotional tension and, I might add, without overwhelming cooperation from the administration. I believe that the reported bill is a good bill, and should be passed as expeditiously as possible, although I do think that the 180-day provision in the resolution is much too long.

We have been criticized editorially in the press, and also by some of our colleagues, for recommending a measure which requires the President to activate the emergency powers which it contains by issuance of an Executive order or orders. We have been told that this constitutes "buckpassing," and that we should provide for the emergency powers to become effective immediately and automatically upon the President's approval of the joint resolution.

I do not believe that this criticism is well founded or justified. The hearings on this resolution show clearly that the administration has been playing both sides of the street for what must be purely political purposes. Any "buckpassing" which has been engaged in has been done by the administration in seeking to have Congress enact emergency legislation without taking a position on the record as to whether such legislation is necessary or desirable. I can recall no major piece of legislation that has ever been considered by the Congress where the administration has failed and refused to take a formal position as to whether it favored or was opposed to such legislation.

Early last week our committee was advised that the administration would seek emergency powers to halt the airlines strike on the ground that there was a national emergency or that continuation of the strike would endanger the national health, welfare, or safety. This was the standard contained in the original resolution introduced by the distinguished senior Senator from Oregon [Mr. MORSE], Senate Joint Resolution 181.

The Secretary of Labor testified before our committee last Wednesday. Contrary to what we had been led to believe was the administration's position, the Secretary testified that there was no national emergency, that there was no danger to the national health, safety, or welfare and that there was no present necessity for legislating emergency powers to deal with the airlines strike.

In the first instance, then, we have the administration testifying against a resolution supposedly introduced at its request, and which according to rumor was drafted by the Department of Justice. When this question was raised at the hearing, Senator MORSE stated:

> As a witness I want the record to show that I assume full responsibility for Senate Joint Resolution 181.

While I deeply admire and respect the senior Senator from Oregon, this obviously was not a responsive answer.

I am convinced that a resolution would have been reported to the Senate last Thursday by a practically unanimous vote of the committee, probably in the mandatory form desired by my friend, the Senator from Oregon [Mr. MORSE], had the administration taken the position through the testimony of the Secretary of Labor that a national emergency existed or that the national health, welfare, or safety was involved.

Following last Wednesday's testimony Senator MORSE amended Senate Joint Resolution 181 when the committee met in executive session. The national emergency test was deleted and replaced by a finding that the labor dispute threatens to substantially interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services. Secretary Wirtz did testify that the facts existed to warrant this congressional finding.

As we all know, the parties reached agreement on the terms of the new contract last Friday evening following the personal intervention of President Johnson, the terms of which agreement were rejected by the union's membership in a ratification vote on Sunday.

Yesterday afternoon the Secretary of Labor again testified before our committee. He acknowledged that all the avenues of approach which he had felt were open last Wednesday when he recommended that our committee delay action had been exhausted and that he did not believe that an immediate voluntary settlement of the labor dispute was possible. He further stated that, in his opinion, the process of free collective bargaining had taken a tremendous kick in the teeth, with which conclusion I agree.

He continued to maintain the position, however, that there was no national emergency, and that the national interest in health, welfare, or safety still did not warrant the enactment of emergency legislation.

In fairness to the Secretary, his testimony indicates overall that there is a necessity for some kind of action because of the substantial interruption of interstate commerce which has occurred. He also stated clearly that the national interest becomes more deeply involved with every day that passes without an end to the airlines strike.

However, despite repeated direct questioning from members of both political parties, the Secretary refused to take a position as to whether he felt the time had come for legislation or as to whether the administration desired the Congress to enact emergency legislation immediately or at a later date. As I have already stated, I know of no instance when an administration had refused to take a position either for or against a piece of pending, major legislation.

In view of the facts which I have discussed, I conclude that the committee is entirely warranted in providing that the emergency powers contained in this resolution shall become effective only when invoked by the President through issuance of Executive order or orders.

I have no hesitancy in granting the President authority to invoke a special mediation board based upon our finding that this labor dispute threatens substantially to interfere with interstate commerce to a degree such as to deprive any section of the country of essential transportation services. I have grave reservations, however, about ordering striking employees back to work upon such a finding by Congress when the administration takes the position that the

national interest is not involved. I believe that it would be entirely improper for Congress to automatically direct the strikers to return to work upon such a finding when the administration refuses to take the position that it wants this legislation at the present time.

It has been said by the Secretary of Labor and certain of my colleagues that the issuance of an Executive order under this resolution constitutes nothing more than a ministerial act. I strongly disagree with this conclusion. Under the resolution reported by the committee, Congress makes the findings necessary to order a termination of the strike. In view of the administration's failure and refusal to take a position as to the necessity of this legislation, however, I believe it entirely proper to leave it to the President's discretion to determine when and if such powers should be invoked. I believe that this will require the exercise of sound judgment by the President far exceeding his engaging in a purely ministerial act.

Turning to the substance of the resolution reported by the committee, I do not agree with those who say that its procedures constitute a departure from those embodied in the Railway Labor Act.

Section 10 of the Railway Labor Act provides that the mediation board shall notify the President if, in its judgment, a dispute between a carrier and its employees threatens to substantially interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services.

Senate Joint Resolution 186 contains a congressional finding to this effect, and a further finding by Congress that emergency measures are essential to the settlement of the dispute and to the security and continuity of transportation services by the carriers involved.

Under section 10 of the Railway Labor Act, upon notification by the mediation board that such a labor dispute exists, the President may create an emergency board to investigate and report concerning the merits of the labor dispute. It is important to note that the Railway Labor Act does not require the President to create an emergency board and that this is left entirely to his discretion. However, the original 30-day prohibition against strikes and unilateral changes in terms and conditions of employment does not become effective unless the President in fact creates an emergency board.

Under the Railway Labor Act, an emergency board is required to report to the President 30 days after its creation. There is then a second 30-day period during which no strikes may occur.

Let us compare this with the provisions of Senate Joint Resolution 186. Under this resolution the President may in his discretion prohibit strikes and changes in terms or conditions of employment for a total period of time not to exceed 180 days. He may also, if he so desires, convene a Special Airline Dispute Board to engage in further mediation. The findings necessary for this action are made by Congress under this resolution as they are made by the mediation board under the Railway Labor Act.

The only substantial difference that I can see in the committee's approach is that the President may, under Senate Joint Resolution 186, invoke the emergency ban on strikes, lockouts, and unilateral changes in terms and conditions of employment without first or at the same time creating a special airline dispute board. This was done, however, to permit the President to continue to use the mediation board and the Secretary of Labor in his attempts to resolve this labor dispute if he preferred this approach to the creation of another special board.

Under the resolution, the President may invoke the emergency powers contained therein to stop the airlines strike, and may then await developments for whatever period of time he desires before creating the Special Board. To the extent that the labor dispute may be settled without the creation of another Special Board after the strike has been terminated, the resolution gives the President more flexibility than he is granted under section 10 of the Railway Labor Act.

Under the resolution, if a Special Airlines Dispute Board is created by the President, it must submit a report containing findings and recommendations to the President 30 days prior to the expiration of the maximum period covered by this emergency legislation. This likewise is consistent with the provision in the Railway Labor Act prohibiting a strike for 30 days after the report of the Emergency Board is submitted to the President.

In view of the positions taken by the Secretary of Labor last Wednesday and yesterday in his testimony before our committee, I regret that the Secretary of Commerce and the Secretary of Defense were not also called as witnesses.

However, Mr. President, even on the basis of the testimony before our committee, I cannot agree with the Secretary of Labor's conclusion that the national interest is not involved at the present time. My action on this resolution has been strongly influenced by my conclusion that there is imminent danger to the national health, welfare, and safety.

I do not base my conclusion strictly on the inconvenience being caused business and private passengers, nor upon the losses being incurred in related industries such as hotels and restaurants. The record of our hearing is now available and I do not wish to repeat its contents at length.

It is clear, however, that vital drug supplies and other medicines are not being moved. It is clear that there has been a substantial impact upon defense contractors required to move personnel from one section of the country to another on a timely basis. The record is replete with other indicia of an impending emergency. I am not trying to be an alarmist, but the record leaves the clear implication that the welfare and safety of those members of the public who are continuing to fly is becoming increasingly involved due to the many, many additional flights now being flown by airlines whose employees are not on strike.

To summarize my feelings I believe that this emergency legislation is needed immediately because I am convinced that the national interest is already involved.

I would like to direct a few remarks to my many friends in organized labor. I urge them to act responsibly in their collective bargaining endeavors, and to consider their actions in terms of the public good as well as in terms of benefits to the employees which they represent.

On principle, I am opposed to any legislation which prohibits, denies, or impedes a union from engaging in a legitimate economic strike. This is so even where, as here, I believe that the union is completely wrong and should never have called the strike in the first place. I realize the crippling effect that removing the right to strike has when the parties sit down at the bargaining table.

But, in a larger sense, I am afraid of what may come from precedents of this type. Many segments of the public and a substantial number of Congressmen have already expressed their desire for compulsory arbitration, at least in transportation and communication industries subject to governmental control.

I understand that both management and organized labor are completely against compulsory arbitration. They should be made aware, however, that support for this concept has gone far beyond the point of mere talk.

I am unalterably opposed to compulsory arbitration. I know that if compulsory arbitration comes to Government-regulated industries, it will be that much easier to take the next step and apply it to our basic industries, and to then take the final step and apply it to free enterprise generally. The result obviously will be the end of free collective bargaining as we have known it, which has been greatly responsible for making our Nation the economic giant it is and for giving our people one of the highest standards of living the world has ever known.

For all these reasons, I regret deeply when a segment of organized labor engages in irresponsible conduct which arouses the emotions of the general public to a degree where they begin clamoring for this type of legislation.

I say in all sincerity to the leaders of organized labor, that if this emergency legislation is passed and is fully utilized without a settlement between the union and the carriers, I am convinced that resumption of the strike will result in the introduction, consideration, and possible enactment of compulsory arbitration legislation.

I have not dealt with the inflationary aspects of the union's demands, because I do not feel that this is a proper consideration upon which to base this type of legislation. However, I agree with the statement of the senior Senator from Oregon at the hearings on this matter, that—

This is not only a bellwether case of this union, this is a bellwether case of many unions in this country. You are dealing here not only with the Machinists Union;

you are dealing here in this case with the obvious strategy on the parts of a large section of organized labor to break the inflationary controls.

So I say to organized labor that there are two major concepts which you must consider in contract negotiations which transcend the immediate gains sought for your members. First, you must consider the public and the public's interest before engaging in work stoppages such as the one presently under consideration. Second, you must consider the possible inflationary aspects of your demands as they relate to the general economy and the general welfare of our country. A failure to act responsibly in the former area may well result in compulsory arbitration, while a failure in the latter area must inevitably result in the future imposition of governmental wage and price controls. Either way, both organized labor and free enterprise will suffer a serious setback over the long run.

Mr. President, in view of the circumstances that exist today I urge prompt passage of the resolution reported by the Labor and Public Welfare Committee, to get the airplanes of this Nation flying again.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. GRIFFIN. I wish to commend the Senator on his excellent statement, and I should like to associate myself generally with what he has said.

Viewed purely on the merits, aside from the political considerations which seem to have creeped into the discussion, and considering what would be best for the future of collective bargaining, I wonder if the Senator agrees with me that it would be a grave mistake—whether the President wishes us to do so or not—for Congress by legislation to order the airline employees back to work under an inflexible 180-day order. That would be for a 6-month period, without any flexibility in the hands of the President.

Mr. PROUTY. I could not agree more with the Senator.

In a sense, such legislation adopted by Congress certainly would be interpreted by large segments of organized labor as strikebreaking legislation. That is the last thing we wish. However, inflexibly prolonging the ban against striking for 180 days comes pretty close to such action. Obviously, if the Machinists Union or any other union is forced back to work, its bargaining position is not nearly as good as it is when it is on strike or when the threat of a strike is present. I do not want to take the responsibility for prohibiting an otherwise lawful economic strike for 6 months in the present circumstances.

Mr. GRIFFIN. It seems to me that the best way to achieve any success in reaching an agreement between the parties is to leave some flexibility in the hands of the administration, which is necessarily required to deal with the problem on a day-to-day basis. Congress cannot deal with such a problem on a day-to-day basis. We deliberate and then we pass a law. After the law is on the books, the administration must still deal with the situation on a day-to-day basis.

It seems to me that it would be wise for the Congress to pass authorizing legislation which would give the administration some tools and some flexibility with which to deal with the situation in the hope that the parties will come together and reach an agreement. After all, our ultimate objective should be an agreement—not some order by Congress that will force the workers back to work under an inflexible 180-day order. This would not achieve the result that the Nation desires.

Mr. PROUTY. The Senator and I are in complete agreement.

Certainly, the administration is in a position to have access to all the facts, to make determinations, and to exercise persuasion, if that seems desirable, and to bring the parties together. Congress is not in a position to do that in a joint resolution, and I agree that the degree of discretion and flexibility to which you refer is highly desirable.

Mr. GRIFFIN. A further question to consider is whether the workers would be more likely to go back to work if Congress ordered them back, or if Congress passed authorizing legislation under which the President, exercising that authority, based on the national interest, could then require them to resume working. I am not sure of the answer to that question. However, it is my opinion that the workers would be more likely to go back to work in response to the President's execution of such an order.

Mr. PROUTY. I believe that the employees would go back to work under either method, but in the absence of the administration's taking an affirmative position that the national interest is involved, I agree that they would do so with less grumbling if the directions came from the President.

Mr. GRIFFIN. I thank the Senator for yielding.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. COOPER. I respect the judgment of the Senator from Vermont, Senator PROUTY and the Senator from Michigan, Senator GRIFFIN. They serve on this committee and I am familiar with their faithful work to secure a fair resolution. But as I noted in an earlier colloquy with the Senator from Pennsylvania, Senator CLARK, one argument is difficult for me to follow as I see no difference in enacting legislation which would restrict strikes or lockouts whether the power is exercised by the Congress or the President.

We are reluctant, and properly so, to pass legislation which would prohibit or restrict strikes and lockouts. All of us feel the same way about such legislation for many reasons. We believe it impedes the process of collective bargaining. And also, most important, we do not like to tell men that they cannot strike; work or not work, as they please; that they cannot use their bargaining power.

Yet I cannot see much difference between the two joint resolutions in this respect. Both prohibit strikes or lockouts for a certain period of time. Under one, Congress itself prohibits the strike or lockout—under the other—Congress authorizes the President to do so.

Mr. PROUTY. Is the Senator referring to Senate Joint Resolution 181?

Mr. COOPER. Yes.

Mr. PROUTY. Senate Joint Resolution 186, which I am supporting, does not do that.

Mr. COOPER. I know the Senator is correct, but the joint resolution reported by the committee, Senate Joint Resolution 186, provides that the President may act, and thereupon a strike or a lockout would be prohibited. That is correct, is it not?

Mr. PROUTY. If the President finds that to be desirable.

Mr. COOPER. The other proposal, introduced by the Senator from Oregon [Mr. MORSE], which may be submitted as a substitute provides that immediately upon approval of the joint resolution, a strike or a lockout would be prohibited for, as I recall, 180 days, unless the dispute is settled.

Mr. PROUTY. I am very much opposed to the Morse joint resolution. It is not flexible and has not been requested by the administration, although the Secretary favors it over the bill reported by the committee. It prohibits a strike for 6 months.

Mr. COOPER. I do not see much difference. In one case, we would write legislation prohibiting a strike or a lockout during a specified time—or until a settlement is reached though bargaining.

In the other case, we use exactly the same langauge, but leave to the President the decision to prohibit the strike or a lockout.

Mr. PROUTY. We leave it to the discretion of the President, where I think it should be, when the President has not indicated he even wants emergency powers at this time. The President is able to take a much more flexible position under the committee resolution directing him to take action than that which could be taken under the Morse resolution.

Mr. COOPER. But then we are in a circle. We are acting in an emergency, upon the ground that airline transportation should be maintained. We would make a such finding but at the same time provide that nothing should be done unless the President finds that it should be done.

Mr. PROUTY. Under Senate Joint Resolution 186, the President does not have to utilize the 180 days; he may designate a 3-day or a 10-day period, or any other periods of time up to a total of 180 days.

Mr. COOPER. I see one possibility of difference between the two joint resolutions. If the President is given the authority, we would assume that he would quickly try to bring the parties together, and it might not be necessary to invoke the strike prohibition. I can see that possible difference, but I must say that I am not much impressed by the argument that we are not writing temporary legislation which will prohibit a strike or a lockout. If there is an emergency and the need for action. I do

not see why we should abrogate our responsibility to the President.

Mr. PROUTY. If the Senator is referring to some kind of permanent legislation which would relate to labor disputes generally, that may be a point well taken. But in this instance we are dealing only with a specific dispute; we are not seeking to write general legislation.

Mr. COOPER. We are not dealing with general legislation. We are dealing with a specific situation—the airlines strike. I say with great deference that, on the one hand, we are saying that a great emergency exists and ought to be dealt with, if the President declares that it should be dealt with——

Mr. PROUTY. The administration has not suggested that a national emergency exists or that the national interest is imperiled at the present time. Had any representative of the administration appeared before the committee and so testified, I am sure that the Morse resolution would have been reported immediately.

Mr. SMATHERS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). Does the Senator yield?

Mr. PROUTY. I yield.

Mr. SMATHERS. Did not the Secretary of Labor say, however, when he first testified, that if the conditions that existed then continued we would have a national emergency?

Mr. PROUTY. I do not think that he said it in those terms. He may have said it in connection with some remote time in the future. He did not say it yesterday.

Mr. SMATHERS. No; he did not put a time limit on it, but he said that it would be a national emergency. How long do we have to suffer inconvenience and severe economic disruption before we act?

Mr. PROUTY. If this resolution is passed, we will permit the President to determine when the national interest requires action.

Mr. SMATHERS. The airlines have lost $150 million. One hundred-fifty thousand would-be air travelers have suffered every single day since the strike began. As the able Senator from West Virginia pointed out, and contrary to what has been suggested, not only have Congressmen, corporate executives, and movie moguls been inconvenienced, but there are many students who ride the airlines, teachers on vacation who would like to ride the airlines, and many other people who would like to ride the airlines. To say that they can ride buses, and that the strike is not really so serious is incorrect. The fact is that buses and trains can not fully absorb all the travelers that would normally be flying. People need the airlines. They are being discommoded and inconvenienced; but worse than that our health and economy are being affected at a time when they cannot stand a solar plexus blow.

Mr. PROUTY. I thank the Senator. I think the Senator is correct, but the Secretary of Labor has not told us that and no representative of the administration has suggested that. We asked the Secretary time and time again and we did not get a response to the effect that the administration considers this an emergency.

Mr. SMATHERS. Does not the Senator from Vermont [Mr. PROUTY] recall that article 1, section 8 of the Constitution says that the Congress has jurisdiction over interstate and foreign commerce. We have a responsibility in matters concerning interstate commerce. It is true that the President may have some responsibility but, as I recall, we are always complaining that some other agency of the Government is taking away our authority.

Mr. PROUTY. We are not giving the President much more flexibility than he already has under the Railway Labor Act.

Mr. SMATHERS. Why do we not act? We have the authority, do we not?

Mr. PROUTY. I am not willing to act in a mandatory fashion at the present time unless the President or his representatives tell us that the national interest is affected and that the administration desires legislation.

Mr. SMATHERS. Is the Senator going to maintain that position on all legislation which comes before us? Is he going to suggest that the Congress wait until the President tells us what to do before we do it?

Mr. PROUTY. I believe that the President has that responsibility. This strike has been going on for some months.

Mr. SMATHERS. And negotiations for 1 year, or since August 9.

Mr. PROUTY. One year.

Mr. SMATHERS. That is why it is not going to be settled in the next 4 or 5 days unless Congress acts. Congress has the duty to act and certainly we have the authority to act.

Mr. PROUTY. But we should move very carefully when we interfere with the right to strike, unless we change the laws and abolish free collective bargaining.

If Congress were to pass compulsory arbitration legislation, as some have suggested, I think free collective bargaining would be brought to an end. If we give the President sufficient flexibility to work these things out, I think we will have made real progress, and will have protected and preserved collective bargaining, at least for the time being.

Mr. SMATHERS. Would the Senator agree that a year to negotiate is a reasonable length of time?

Mr. PROUTY. It would seem so to me, but I have not had access to all of the facts and the information which has been available to the administration.

Mr. DOMINICK. Mr. President, I have been following this colloquy between my good friends, the Senator from Vermont [Mr. PROUTY] and the Senator from Florida [Mr. SMATHERS] with a great deal of interest. Prior to this time I had a colloquy with the Senator from Pennsylvania [Mr. CLARK].

I wish that the Senator from Rhode Island [Mr. PASTORE] had been here at that time. I see that once again he has had to go elsewhere.

I think that there is a middle ground, Mr. President, and I think that this is what we have lost sight of. I have great respect for the Senator from Vermont [Mr. PROUTY]. I know that he is sincere and a hard and able worker in this field, but I do not agree with him. I think that we are moving the wrong way when we abrogate our responsibility and shift the burden to the executive branch.

It strikes me that this is not following our responsibility to the public.

In the airline industry, in the railroad industry, and in a good many other transportation industries, we are dealing with something which has been declared by Congress, and in the history of the country has been determined to be, essential to the general public and the national interest.

When there is a regulated industry of this kind in which, as in the airline industry, rates are controlled, routes are controlled, profits are controlled, safety features are controlled, and the type of equipment that can be used is carefully controlled, I think we have a different situation, in that our responsibility as Senators is neither to the airlines nor to the unions, but to the public; the public as a whole. Our responsibiliy is to those who use the airlines as a basic means of transportation both for passenger as well as cargo purposes.

It seems to me Mr. President, that we have an obligation to exercise that responsibility.

Consequently, I am totally unwilling to degrade the Congress by saying that we have found that this is an essential transportation breakdown, but not do anything about it, and instead turn it over to the President, so that he can do something about it, if he so chooses. I do not believe that this is the correct approach.

How long has this been going on? This strike is nothing new. It started in August of 1965, as the Senator from Florida [Mr. SMATHERS] stated. Negotiations started, and when the contract was going to be terminated they tried to get together to settle some issues, but not all. As it came into this year, it became more and more apparent that the issues were not going to be solved by negotiations. The National Mediation Board moved in. In April, after it had been declared that there had been a breakdown in essential transportation services in the country, a Presidential Emergency Board was appointed. The Presidential Emergency Board under the Senator from Oregon [Mr. MORSE], with two other highly qualified men in the labor field, worked over this problem at length and issued its report and recommended a settlement. The airlines accepted the proposal. The union turned it down. That is, of course, the prerogative of the union. This is what started the strike situation.

Thus, there has been the finding of the National Mediation Board, and a finding by the President, that essential transportation services have broken down. The President and the National Mediation Board have just determined the same thing. A new Presidential Emergency Board has been appointed in the case of the American Airlines threatened dispute, which I hope will never come to a strike.

Thus, we have as a background a series of findings by the White House, by the Department of Labor, and by the National Mediation Board that there are many severe problems in the transportation field—the airlines transportation field in particular.

Mr. LAUSCHE. Mr. President, will the Senator from Colorado yield for a question?

Mr. DOMINICK. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. I am reading from page 2 of the resolution reported by the committee, on line 3:

That or procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute.

That is a fact, is it not, that under all of the procedures provided by the Railway Labor Act they have been exhausted?

Mr. DOMINICK. That is correct.

Mr. LAUSCHE. The language continues:

including a report and recommendations of the emergency board No. 166.

That is the Morse Board; is that correct?

Mr. DOMINICK. That is correct.

Mr. LAUSCHE. Continuing to read:

a proffer of arbitration and mediation with the parties by the National Mediation Board.

That means the National Mediation Board said that it would arbitrate or mediate, and that has been exhausted?

Mr. DOMINICK. Yes. I would say that it has not been wholly exhausted. Arbitration, as I understand it, has been turned down. Mediation is still going on with the Labor Board and with the National Mediation Board.

Mr. LAUSCHE. I concur with that.

Also, on line 9 of the bill on page 2, there is the following language:

further, that the efforts of the National Mediation Board and the Secretary of Labor to settle this dispute have been unsuccessful; and that it is desirable to achieve a settlement of this dispute in a manner . . .

That is what the committee has said?

Mr. DOMINICK. The Senator is correct.

Mr. LAUSCHE. Now, on line 15, page 2, it states:

The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

Mr. DOMINICK. That is correct.

Mr. LAUSCHE. A moment ago, the Senator made the statement that we find transportation paralyzed and local communities prejudicially affected economically, but then we refuse to do anything.

Mr. DOMINICK. Under the resolution, we turn it over to the President.

Mr. LAUSCHE. Turn it over to the President.

Mr. DOMINICK. Which I cannot wholly support. That is why I wrote my individual views.

Mr. LAUSCHE. I thank the Senator very much for his answers.

Mr. DOMINICK. I thank the Senator from Ohio for highlighting these points. I want to continue, Mr. President, by pointing out some of the testimony which I think is important which Secretary Wirtz gave to us last Wednesday when he first came before the committee. I am not going to read very much, but I will read from the summary, because I believe that the RECORD should show it and many people will be interested in reading the Secretary's statements.

I quote from page 9 of the hearings:

I would sum up the situation this way:

1. This strike has of course a direct and unquestionably serious impact on the companies and on their employees.

2. It has caused extensive disruption and inconvenience in air travel and transport generally.

3. It has hurt particular businesses and particular areas badly.

4. It has had a marked but not large scale effect on the economy generally.

5. It has slowed up the Postal Service significantly.

6. It has not affected the defense or military effort materially.

And I want to emphasize this—

7. There are definite signs of increasing loss, cost, inconvenience, and possible danger.

Now, Mr. President, I report that in the RECORD because that was last Wednesday.

The strike continues.

One of the problems we have is with respect to the other airlines which are still operating and trying to take up some of the load. There is a rule in the Federal Aviation Authority that pilots cannot fly for more than 80 hours a month, I believe it is. In their effort to take up this load, more scheduling has occurred and greater efforts have been made on the part of the other airlines. In many cases, they are finding that there are pilots disqualified from continuing to fly, under FAA regulations, as the end of the month approaches. Therefore, they have to cut back on their schedules and this is making it more and more difficult. As to maintenance of aircraft, where other airlines have increased schedules to the maximum extent possible, it is very difficult for the employees of the airlines to make sure that maintenance is being carried on properly.

The employees involved in this work are fine people and highly qualified and I sympathize with their desire to try to get a higher wage. I see no reason why they should not receive higher wages with the increase in productivity which has come to the airlines; but, I do not want to get into the merits of the actual dispute, nor does it seem to me that that is our function in Congress.

As I said earlier, our function is to try to do something to take care of the public interest which is involved in this particular problem.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question at that point?

Mr. DOMINICK. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. So far as I am concerned, there is a paradox in the testimony given by the Secretary of Labor, Mr. Wirtz, with his ultimate refusal to make any specific recommendations. My understanding is that he testified yesterday he feels that the problem will not be solved unless legislation is adopted, but he does not recommend legislation. Moreover, he does not want the failure to recommend legislation to be construed that he is against it.

Mr. DOMINICK. I think that is entirely accurate. That entertained me at the time he said it and I believe that it entertained the whole committee.

Mr. LAUSCHE. I simply do not understand that.

Mr. DOMINICK. That was a wide-legged straddle of a very precarious fence.

Mr. LAUSCHE. My question is: Understanding that Secretary Wirtz and others have refused to recommend anything, does that alter our responsibility as Members of Congress to take the necessary action to remedy the wrong which is being perpetrated on the national economy?

Mr. DOMINICK. I do not think it changes our responsibility, because I think we had the responsibility from the beginning to legislate, but do think it points it up and points it up succinctly.

I might say there was an interesting shift in position on the part of the administration between the time the Secretary testified last Wednesday and the time he testified yesterday.

As of last Wednesday, when we were considering legislation, he stated he thought if we should hold up, because there were significant signs of progress in the negotiations and that the collective bargaining system should have one last clear chance.

We held up. Some of us were reluctant to do so, because we did not think we were going to get a settlement. Nevertheless, a settlement was agreed to on Friday evening.

The interesting thing is that when the Secretary came back to testify yesterday, after the union had rejected the settlement, he no longer said he did not want any legislation. He simply took the position of "Hands off. I am not going to touch it at all." He said, "I am not going to recommend against it; I am not going to recommend for it." But he also said, and he said it carefully, and I hope I am not misstating the tenor of what he said, that he could see no such significant sign of a hope for a settlement as he did Wednesday. What he indicated, to me, was that there was nothing in the immediate future that would give him reason to tell the committee that if we did not pass legislation, the parties would settle the dispute.

This is pretty well borne out. When there is a situation of a dispute which has lasted a year and a strike has finally resulted, someone should take action and inject new stimulus.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. LAUSCHE. I have listened to the argument this afternoon that the administration refuses to make a recommendation. I have my own answer as to what principle shall guide me in my ultimate determination. But I ask the Senator

from Colorado, How does he answer the argument that "Inasmuch as the administration refuses to take a step, why should the Congress?"

Mr. DOMINICK. I think we need only consider what has occurred from the time of the appointment of the presidential emergency board, the testimony before the committee, as well as the observations of any Senator who has tried to travel anywhere. My office is piled up with mail, including that from employees of the airlines on strike, asking me to "Please do something." It is therefore our responsibility here, where it belongs, to do something about it. I think the failure of the President and his administration to give a recommendation is awful. There is no excuse for it. I think they have fallen flat in this area. I can only assume why they have not made recommendations. I do not want to impute any particular motives, but labor does want to stand firm. It wants to hold whatever economic power can be exercised by it.

Mr. LAUSCHE. Regardless of what Secretary Wirtz has failed to recommend, I believe Congress has a responsibility of its own. We should not confess that we will do only those things—nothing else—that the administration recommends.

Mr. DOMINICK. I completely agree with the Senator from Ohio.

Mr. LAUSCHE. I thank the Senator for yielding.

Mr. DOMINICK. I wish to make a few more comments.

In view of the fact that the President has made no recommendation, I suppose it is still open as to whether he would take any action. That could leave the whole country in confusion once again.

The administration has stated in committee—and I say this to the Senator from Pennsylvania—that it does not like the Clark resolution, Senate Joint Resolution 186, and that if faced with a choice, it would prefer the Morse resolution, Senate Joint Resolution 181, somewhat modified. I suppose what it is in effect saying is, "We prefer to have Congress take responsibility and move in."

But there is the problem of Senate Joint Resolution 181, the Morse resolution. It provides that Congress will say to the union members that they must go back to work in a mandatory form for 6 months. I cannot support that kind of determination. I do not think we should put a mandamus on the working people of this country for that period of time. Therefore, I could not support that resolution any more than I could support the Clark resolution.

I think there is room for compromise. This is the point I made and tried to bring up over and over again in the committee, and we had some close votes on it. There is room for compromise by having Congress exercise its responsibility and say, "We think you are reasonable people. You have got to go back to work and at the same time negotiate, but you must go back to work for a period of 30 days, or 60 days, but no more than 60 days." At the end of that time, if the dispute has not been settled, the President will look at the circumstances as they then are, and, if he so decides, he can keep the transportation industry moving, and he can keep the men working and continue the negotiations, for up to 120 additional days, if that is what he wants.

I have prepared an amendment which reinstates the cooling off period of the Railway Labor Act for 60 days, effective immediately when the President signs the joint resolution. Then it can be extended for periods, to give it flexibility, by the President, but for a total not to exceed 120 additional days.

That will bring it back to the new Congress when it convenes if nothing has been settled in the meantime. Congress could then take action if nothing had been settled.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. CLARK. I am interested in the mathematics used by the Senator. Did I understand the total to be 120 days?

Mr. DOMINICK. No; 180 days.

Mr. CLARK. That would bring it into February.

Mr. DOMINICK. It would be for as long as 180 days. I am not exactly sure how long that would be.

Mr. CLARK. It would take it into February.

Mr. DOMINICK. He does not have to invoke it for that long. If the President decided to invoke it only for 10 days, he could call Congress back into session. But my proposal does not require a 180-day period, and it does not pass the buck to the President. My proposal provides that Congress takes authority, and after a period of 60 days, the President could go forward.

Mr. President, having explained my amendment, I now send it to the desk. I shall not call it up at this time, but I send it to the desk so that it will be before us.

I ask that it be printed.

The PRESIDING OFFICER. The amendment will be received, printed, and lie at the desk.

Mr. DOMINICK. Mr. President, I want to talk a little about the special board. It seems to me there is some doubt as to why a Special Airline Dispute Board should be established. I suppose the purpose of providing for it was to inject something new into the argument between the parties, but at least under the amendment as I have proposed it, if it is accepted as part of the legislation, the Special Airline Dispute Board would come into the picture after the 60-day period, after the President has acted, first, to put the people back to work for a further period of time, and, second, put the board into operation.

This would give the National Mediation Board and the ordinary labor negotiators the opportunity to continue negotiations.

I do not think, Mr. President, that this dispute will last long after Congress has taken action. I think within a very short time we will have a settlement; because most of the employees want to go back to work. If the settlement had been explained to them fully, I think they would have gone back to work last time; for my guess is that in rejecting the settlement they were simply saying, "We are not going to be bossed around by the White House, and we are going to reject something which has been pushed upon us in this fashion."

Mr. President, I hope we can take action very soon. The Senate is a great body. I have vast respect for the Senators who hold differing viewpoints. But I do not think we are likely to pass any resolution, either the Clark resolution or the Morse resolution, unless we can reach some compromise. I hope that what I have sent to the desk may prove to be one possible form of compromise.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business tonight, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I was one of the architects of the plan which is finally before the Senate in the form of the Clark resolution—Senate Joint Resolution 186. I should like to lay before the Senate the considerations which went into the development of that resolution, what it means, what we hope for it, and what are the possible areas for bringing about the maximum consensus it is possible for the Senate to reach.

First, Mr. President, it was and is very clear—as I am sure has been discussed heretofore—that there is no legal authority on the books for the President of the United States to use. There is nothing he can do now except try to bring the parties together by mediation.

Second, we have here a situation which is not an emergency involving the national health and safety as yet—though it may become such an emergency—and therefore it does not meet what is commonly referred to as the Taft-Hartley standard. But the facts certainly warrant a finding that the dispute threatens substantially to interrupt interstate commerce to such a degree as to deprive any section of the country of essential transportation services; so it fully qualifies, and continues to qualify, under the Railway Labor Act—upon which the resolution before us is essentially based—as an emergency situation.

Among the substantive points which appeal most to me is the fact that Congress has had to proceed pretty much on its own. Unbelievably, to me, the administration did not come in with any recommendation at all. In the situation in which the country finds itself, the Railway Labor Act inhibits a continuing strike. Nonetheless, because the law has run out, there is a strike, notwithstanding the declared policy of the Nation that under such circumstances there should not be one. That being the situation, one would certainly expect that the President would recommend to Congress what he felt was needed to fill in the vacuum left by the state of the law. But try as we would, on both sides of the aisle, it was impossible to obtain from the Secretary

of Labor—as he was obviously uninstructed—any recommendation whatever. We had only the most general personal ideas upon which to proceed—except that it has been communicated to us by various and sundry means that the administration much prefers the Morse resolution to the Clark resolution.

But in the absence of recommendations—and I deeply feel that this lack represents a real failure on the part of the administration to shoulder its responsibility—the mere fact that it is believed that the administration would prefer the Morse proposal to the Clark proposal, without assigning any good reason therefor, Mr. President, aside from perhaps the political reason that the President would not like to exercise this authority himself, leaves us, I think, in the position where Congress is very much on its own as to what it may decide to do.

The other problem we face is that there is no assurance, if we give the President the authority contained in the Clark resolution, that he will use it. This, I believe, is a very critical point as far as Congress is concerned, because it seems to me that it would be really demeaning for Congress to pass legislation of this character, giving authority to bring the men back to work, with no assurance whatever that the authority would be utilized by the President. But we could obtain no such assurance from the Secretary of Labor.

Under those circumstances, Mr. President, the question was, "What shall we do?"

My own opinion, based upon the extended efforts which we made in the committee, was that the optimum solution would be to utilize the entirely warranted finding that there is a substantial interruption of essential transportation service as the basis for continuing the provision of the Railway Labor Act which automatically inhibits a strike or a lockout as long as the mediation procedures and emergency board procedures provided under that law are operating and for 30 days thereafter; and that this would result in an automatic requirement in the legislation that the work stoppage be ended.

I have, however, felt that 6 months of inflexibility on that score was much too long. After some consideration of the matter, the optimum period seemed to me to be something in the area of 30 to 60 days. The suggestion made here by the Senator from Colorado [Mr. DOMINICK] and made in the committee by the Senator from Arizona [Mr. FANNIN] seemed to me to be entirely in accord with the law and the facts, if such period were succeeded by two additional periods, to be invoked if the President determined that the conditions under which Congress invoked the first period still continued—a provision very similar in theory to the Clark resolution.

But, Mr. President, it was impossible to obtain a consensus in the committee, or a majority adequate to report out such legislation, even though logic dictated that that was the way in which the matter should be handled. The reporting of such a measure being impossible, though it followed logic, the law, and the legal precedents as we saw them, we did the next best thing. We did that which it was possible to get the committee to support, and reported the resolution which is here sponsored by the Senator from Pennsylvania [Mr. CLARK].

I may say that a tentative measure before the committee at the end of last week provided for a similar period of time, but divided into three installments of 60 days each, all of which were to be triggered, as it were, by the President. This was the development for which the Senator from Michigan [Mr. GRIFFIN] and I were responsible—were the architects—solely for the purpose of getting a consensus in committee, as it seemed to command a consensus.

But when the Secretary of Labor testified, as he did before the committee on Monday—and this was the only clue he gave us—that the administration preferred to deal with a total period of 180 days rather than individual periods of 60 days, it was that alternative which developed the consensus, and that was what the committee reported to the Senate.

Mr. CLARK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CLARK. The Senator from New York was originally a cosponsor of the original Morse amendment, was he not?

Mr. JAVITS. Yes, I was—of the Morse proposal.

Mr. CLARK. In the course of the deliberations in committee, the Senator from New York was one of those who voted for the committee proposal, was he not?

Mr. JAVITS. That is correct.

Mr. CLARK. Do I now understand that the Senator has had a third change of mind, and has a third alternative?

Mr. JAVITS. No, the Senator from New York has none, because he voted in committee, not once, but several times, for the 60-day mandatory period. The Senator from New York has been consistent in the fact that it is an optimum plan. I have always said so, have always maintained that, and have voted in that way consistently.

Mr. CLARK. That was not the original Morse proposal.

Mr. JAVITS. That was not the original Morse proposal, but I favored the Morse proposal, so far because it had a recital of a national emergency. However, we could not get evidence to sustain such a recital. Therefore, I believed we had to have some modification of the terms of the proposal itself. The modification that I thought was best, and the one that I supported by my vote consistently, was a 60-day mandatory period, with two additional extensions to be given to the President.

I still think that that is the optimum, but I also believed very deeply that the Senate was under a duty to act in this matter. In my judgment, the proposal we have brought to the Senate is a feasible and practical one. It gives the Senate an opportunity to act and to deal with what is a complete vacuum in the law. Therefore, I supported it and do support it now. But this does not, as it did not in committee, prevent me from supporting an optimum plan, if it is submitted to the Senate, as it undoubtedly will be, and as it was submitted in committee, by way of a substitute.

Mr. CLARK. Mr. President, do I correctly understand that the present view of the Senator is that he would support the Dominick amendment, which has gone to the desk, in preference to the committee bill, but, if that were to fail, he would still vote for the committee-reported resolution?

Mr. JAVITS. That is exactly what I did in committee. I think that is the best thing that can be done under the circumstances before us, though it does not represent an optimum solution in this controversy.

Mr. President, the main point—which I think we all wish to guard against in the Senate—is not to rush through a measure to solve the problem and run the risk which was run some years ago in Congress when the House—fortunately the Senate did not act in that manner—undertook a procedure which would have brought the railroad strikers back into service as Army conscripts. The Senate and the House, I think, have spent a very long time regretting that incident.

It is always a kind of apparition and warning to us that we do not want to repeat that experience. It is, therefore, I think, our duty to report to the Senate that in this particular case, notwithstanding the exigencies which have faced us and which continue to face us, a great amount of intelligence and labor was expended in this endeavor. Hearings were had in respect to this piece of legislation. The Government, as represented by the Secretary of Labor, gave us the authoritative facts gathered from all departments with respect to this matter.

Most importantly, we heard from the union. We heard from the chairman of the negotiating committee for the carriers. These parties appeared before us and gave testimony. We have a factual record before the Senate, a record upon which we acted, and it is a factual record upon which the Senate may act.

We explored various propositions. We debated in the committee hour after hour with the greatest diligence and, I think, with the most exemplary thoroughness. The result which is before the Senate, as reflected by the measure of the Senator from Pennsylvania [Mr. CLARK], is a true consensus of the committee. It is truly the result of the kind of committee inquiry on the facts and deliberation and drafting which the Senate has a right to expect from one of its committees.

I believe that, as far as we have gone today, I would have every justification for supporting—and I shall support—the Clark resolution, assuming that it cannot be improved, as it could not be improved in committee, in the way I have referred to.

We failed in that endeavor in committee, and perhaps, from all indications, we shall fail in that effort here. Therefore, the Clark resolution will be again, as it

was in committee, the thing that we should support.

It should be emphasized that this is not the result of a hasty job. It is the result, I think, of a very thorough and workmanlike job. I believe it will work, although I must say that I am deeply disquieted by the fact that the President has not indicated that he will actually use it.

As to the workers, I yield to no one in my being a prolabor Senator. However, that does not mean that I do not have an eye open for the national interest or for the interest of our people as they require essential transportation services.

We have been careful in the retroactivity phase of this resolution to see that it does not contain elements of compulsory arbitration, but does leave the matter to the negotiation of the parties.

One thing that I think is admirable in this resolution is that it does not endeavor to write the terms under which the men will work except, of course, that there shall be no more adverse terms than those which they had under their last contract.

This legislation is drafted with genuine concern for the relationship between the carriers and the employees, as well as the public, and for the morale involved in the return of the men to work under this resolution by order of the President. That morale should be encouraged rather than discouraged by the interim terms and conditions of work while negotiations continue.

We have left this, I think, rather designedly open. I think it is a very intelligent thing that we have done so. We have been realistic, practical, and also respectful of the position of the workers when, because of the overriding public interest, we call upon them to return to work.

Mr. President, this is a public utility industry. It is a public service industry. Hence, the rules which we have a right to apply in respect of labor-management relations here are different from what they would be were this a different kind of business. Indeed, the Railway Labor Act itself carries out that intent. The essential direction of the resolution which we are considering—of which the senior Senator from Oregon was the original author—is to carry out the technique and philosophy of the Railway Labor Act. That, I think, is a proper and a very intelligent way in which to handle the situation.

One of the things which has troubled me and has troubled the senior Senator from Oregon and so many other Senators is the fact that after all of the pain and anguish we went through in 1963 with the railroad dispute, the scares which we have had with steel and other industries, the privations which the people of the city of New York endured during their transit strike, and the difficulties which we currently face in the airlines strike—with other impending strikes at General Electric, Westinghouse, in communications, the steel industry, the trucking industry, and the automobile industry—we still do not have anything on the books to deal with the essential and final responsibility of government to insure its own operations.

I do not believe that the proposed legislation, dealing with a specific emergency, will be complete when it leaves here, unless it contains something which indicates our determination not to go unprepared any longer, in such a serious way, in the national interest.

AMENDMENT NO. 718

Mr. President, with the kind collaboration of the Senator from Oregon [Mr. MORSE], I propose an amendment to the resolution, which I send to the desk for printing as follows:

On page 3, line 20, insert "(a)" after "4".

On page 4, between lines 6 and 7, insert the following:

"(b) The Secretary of Labor is hereby directed to commence immediately a complete study of the operations and adequacy of the emergency labor disputes provisions of the Railway Labor Act and the Labor-Management Relations Act. The Secretary is further instructed to report to the Congress by January 15, 1967, the findings of such study together with appropriate recommendations for such amendments to the Railway Labor Act and the Labor-Management Relations Act as will provide permanent procedures to make unnecessary in the future such special legislation as is embodied in this joint resolution."

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. JAVITS. Mr. President, let us remember that we were promised such recommendations by the President of the United States in his message on the state of the Union, and that they have not come forward. We would be in an infinitely stronger position to deal with our problems now, were a law on the books which did not require emergency legislation such as that which is before us now, and which would, on the contrary, keep the men at work.

For those reasons, I hope that we will see fit to deal with this dispute, at the very least, as set out by the Senator from Pennsylvania [Mr. CLARK] in his measure, and that we will at the same time insist that the time has come for us to have from the administration some finite and definitive recommendations for a permanent plan by which we can deal with these problems, so that we will not again be caught unprepared in so serious a national situation as we face today.

Mr. President, I yield the floor.

Mr. FANNIN. Mr. President, I commend the senior Senator from New York and the senior Senator from Oregon for making this recommendation and for placing the proposed legislation before the Senate. I also commend them for their excellent work. The Senators have been working for weeks—the Senator from Oregon for months—on this problem. Without their assistance, it would have been difficult to have carried this matter through. I wish at this time to recognize them for their outstanding service in this regard.

Mr. JAVITS. I thank the Senator.

Mr. FANNIN. Mr. President, during his testimony before the Labor and Public Welfare Committee, Secretary of Labor Wirtz said the Nation had been "kicked in the teeth" by the machinist union's rejection of a recommended settlement in the airlines dispute.

His observation is correct, even if belated. The American public for too long has been the innocent victim of irresponsible union strikes, of which this stoppage of essential air service is only the latest example.

The chair that should have been reserved for the public interest at the bargaining table has been vacant too long.

As a member of the minority on the committee, I strongly supported amendments that would have resulted in the immediate return to work of the union members and the speedy resumption of passenger and cargo service, pending renewed negotiations toward an agreement. The majority of the committee, in reporting the resolution under consideration, saw fit to leave this step to the discretionary power of the President.

In my opinion, this action represents an evasion of our congressional responsibility to act in the public interest.

I voted against reporting this particular resolution for that reason, although I strongly believe that immediate legislative action is required to end the crippling tieup of a major segment of our Nation's air passenger and cargo service.

Let us remember, however, that the legislation we are dealing with today, in an atmosphere of crisis and public indignation, is at best a makeshift remedy which would solve nothing in the long run.

Hopefully, the union and the carriers can be persuaded to resume meaningful negotiations. But there is little reason for optimism on this point, in view of the adamant stand of the union.

The American people should understand that we are only legislating another postponement and providing for another attempt by another presidential panel. We are plowing the same furrow twice.

We have responded to a symptom—but we are not treating the disease.

To those who are sincerely disturbed at the prospect of Government interference in the collective bargaining process, I say that there are other rights in this republic in addition to those special ones enjoyed by organized labor.

On behalf of the public safety and welfare, the Federal Government already is heavily engaged in the regulation of interstate transportation services. It is unthinkable that Federal power should not be employed to terminate a strike whose total impact on our economy is running into millions of dollars daily.

Public convenience is hardly the only factor in this dispute—or even the major one. Mail delay, not to mention the very real adverse effect on our national defense effort, cannot long be endured in a modern society.

My own State of Arizona affords a prime indication of how this continuing disruption in air service is hampering the progress of our defense production program.

The electronics industry is particularly dependent upon a constant two-way flow of men and material between the various scientific and technological complexes in the country. Air cargo is the standard

means of shipping the small light-weight components of electronics equipment.

In the Phoenix valley alone, there is a major concentration of industries engaged in defense production which have been hit hard by this strike. I have telegrams from many of them, including such prominent defense contractors as General Electric, Motorola, Sperry, Goodyear Aerospace, Airesearch and others, attesting to delays in shipment of vital materials and components, some of which are directly related to our military forces in Vietnam.

This is just one area. Multiply this situation by similar effects on giant electronics concentrations in other States of the Union and one can gain some idea of how this strike is definitely harming our national security.

The true extent of this strike, in terms of its eventual impact on the scheduling and delivery of defense-related production, may not be known for months.

As I have said on many occasions, we are now reaping the harvest of our long-standing failure to redress the balance of power between management and monolithic unions.

Three decades of legislative and administrative favoritism to organized labor have progressively choked off consideration of the public interest in major strikes.

Unions no longer are weak, divided, and deserving of special privilege to protect themselves against corporate power. Nurtured by favorable Federal laws and court decisions, they have grown rich and strong.

It is only stating the obvious to note that many unions have not demonstrated the maturity and responsibility in the exercise of power which their congressional champions always argued they would.

In the final analysis, Mr. President, no amount of election year oratory can obscure the fact that much of this problem can be laid squarely at the doorstep of Congress.

Congress enacted the laws that made it possible for labor to acquire the power now being wielded against the public interest. It is up to Congress to revise those laws and to bring them into line with today's conditions.

In my judgment, the obligation of Congress to undertake a comprehensive study and revision of our entire labor-management code has never been more clearly emphasized than it has been by events of the past 2 years.

Our real need is not for strike-breaking laws, Mr. President, but for strike-preventing laws. Only when the power scales have been rebalanced can we look forward to an honest measure for the public.

Mr. President, Senator DOMINICK has discussed an amendment that he will offer. This amendment would give the Senate an opportunity to take immediate action that would bring about a resumption of service by the carriers involved in the current strike.

Mr. President, I shall support the Dominick amendment, which is similar to the amendment I offered to the committee.

Mr. MORSE. Mr. President, I have just authorized the release of the substitute amendment which I offered earlier this afternoon.

The Senate and the press should know that the reason why I have been off the floor most of the afternoon, while the debate has been on, is that I have been in one conference after another, as we have discussed with officials of the Government—and with Members of the Senate, on both sides of the aisle—various suggestions for perfecting the amendment and for modifying it in some respects.

Mr. President, I wish to make very clear, before I make the speech that has already been delivered to the Press Gallery in manuscript form that those of us opposed to the committee's resolution are in agreement that the major principle of the Morse resolution should be preserved. That principle provides that Congress and not the President should order that the strike end and the men be sent back to work if necessary by writ order.

In other words, the modified resolution that I shall offer tomorrow will not in any way vary from this basic principle which represents the great difference between the substitute and the resolution recommended by the committee.

We all know what the great division is in this debate as far as this basic principle is concerned. The division is whether the Congress should pass a resolution that authorizes the President to order that the men go back to work for a definite period of time and to take necessary legal steps to have the order carried out, or whether the Congress should pass a resolution that makes that provision on the basis of the decision of the Congress, confirmed by the President when he signs the resolution.

That is the major issue. I believe it is a very basic issue.

There have been suggested this afternoon various modifications or perfecting provisions for a 60-day period or a 90-day period, or variations of that. The Dominick amendment has been submitted. It is well known by the members of the committee that I, in committee, voted for the basic principle of the Dominick amendment, in trying to work out a conscionable negotiated settlement of the differences that developed in the committee.

In my judgment, the important thing to keep in mind is whether or not Congress is going to maintain control of this situation by saying, to use the language of my amendment, that there is this interruption in essential transportation that affects various sections of the country.

On the basis of that premise, Mr. President, we rest our resolution. We believe that the Congress should make that finding and pass a resolution, if signed by the President, that orders the men back to work.

The reasons why I support that principle are set forth in the speech that I intended to give at a much earlier hour today, and would have given except for the conferences which I engaged in—which, in my opinion, was the first order of business. However, I do not think the record should close today without there being presented the point of view on the other side of the issue from that already expressed by my friend from Pennsylvania [Mr. CLARK] in support of the resolution which the majority of the Committee on Labor and Public Welfare by a vote of 10 to 6 has sent to the floor of the Senate.

The main action taken by the Senate Labor Committee to change my resolution was to remove from the authority of Congress the decision of sending men back to work, and authorizing the President to do it, at his discretion.

"The President may" are the key words of the committee bill.

> During said period of time none of the parties to the controversy, or affiliates of said parties shall engage in or continue any strike or lockout.

Are the key words of my original resolution.

The question is whether we are going to adopt a resolution that in effect says that the President "may," or whether we are going to adopt a resolution that says "During said period of time none of the parties to the controversy, or affiliates of said parties shall engage in or continue any strike or lockout." These are the key words of my original resolution.

This section is then enforceable upon suit in Federal court by either of the parties or by the Attorney General of the United States.

The issue here is not complicated. It is as simple as election day. I have offered my resolution in this form because the Constitution of the United States vests the authority and responsibility for regulating interstate commerce with the Congress. It does not vest it with the President or his executive branch. The Constitution vests it in the Congress. My resolution is based on the language of the Railway Labor Act, which in turn is predicated upon the power of the Congress to regulate commerce. Anything less than the exercise of this authority by Congress will, as I have said, amount to passing the buck to the President.

The answer came back in committee:

> He passed the buck to us by refusing to recommend legislation; now we are going to pass it right back to him.

It is a sad day for the U.S. Senate and the American people when protection of the country's right to essential transportation service becomes an issue of who can be the last to hold the hot potato.

I do not deny that this is a hot potato. The lobbyists not only for the International Association of Machinists, but for the entire AFL–CIO and many of its associated unions were crowded outside the rooms of the Senate Labor Committee throughout the consideration of this subject. They are crowded now outside the Senate Chamber and they are in the gallery today. That is their right. I protect them in that right. It is also their right to remind Senators how dependent many of them are upon the support of organized unions in their forthcoming campaigns for reelection.

I know how important that support can be. My campaign committees get a good deal of my campaign money in

every campaign from the political action funds of organized labor, and my campaigns rely heavily upon their active assistance. I get a good deal of my campaign money as well, from other groups, including the farmers, consumers, housewives, professional groups, teachers, and many others. It is not easy to be in the position of calling for congressional action to suspend the strike of a leading union, or any union.

I never hesitated to do it in the past and I shall not hesitate to do it now or in the future because when one runs for the Senate and is elected, he is not bound by any group that supported him in the campaign. He is elected on the assumption that he could be trusted to exercise honest, independent judgment on the merits of the issues, and in accordance with the facts as he finds them, and carry out his responsibility and trust that his office places in him.

In my judgment, the procedure of the union in resorting to strike in the critical circumstances that confront this Republic in the hours in which we live is a failure on the part of a union to carry out its responsibility. But I have my responsibility to carry out, and I propose to carry it out irrespective of how much goodwill or illwill it may earn for me in the ranks of this union or any other union.

But my duties, and those of every Senator, go far beyond our obligations to organized labor for campaign support. They go to all the people who sent us here, whether they voted for or against us; and our responsibilities go to the Constitution of the United States, which states that—

> Congress shall have power . . . to regulate commerce with foreign nations, and among the several states.

I point out to Senators that the choice posed in this situation is not one of legislating or not legislating. Ten members of the Senate Labor Committee voted to recommend this bill favorably to the Senate. They recommend its passage. It does not save the machinists from an injunction. It says only that instead of imposing the injunction, we are going to have the President do it, so he will get the blame and not us.

That is a time-honored device. But it is causing a rising inflationary spiral. That spiral must not become an inflationary tornado, but it will if the precedent is set in this case of not taking action in a regulated industry which will prevent an inflationary breakthrough. It is causing the depreciation of the wages won at cost to the public of a strike; it is causing great disaffection between the organized unions that are able to bring economic power to bear upon the economy in support of their demands, and the unorganized working people and nonworking people who are not able to use economic power to keep up with the inflationary spiral—which will soon develop into an inflationary tornado if we do not pass legislation along the lines I have been advocating.

This is why I want to stress the testimony of the Secretary of Labor when he affirmed my own oft-repeated summary of the emergency this strike is causing:

First. It is causing a disruption in essential transportation to many sections of the country. I ask the Senators from Hawaii and Alaska if this is not so. Senators know whether it is true in their own States, but the situation of Alaska and Hawaii is becoming critical. The Railway Labor Act was passed in 1926 for the specific purpose of assuring continuation of transportation service. It relates to disputes that the National Mediation Board finds "threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service."

Surely, there is no question that this is such a dispute.

The act then authorizes the President, who "may thereupon, in his discretion," appoint an emergency fact-finding board. This the President has done. He appointed an Emergency Board on April 21. I served as chairman with Board members David Ginsburg and Richard Neustadt. We performed our duties under the Railway Labor Act. The parties could not cease work during the 30 days of the Board's deliberations, and it could not cease work for another 30 days subsequent to the filing of the report. During this time the parties negotiated on the basis of our report.

My original resolution did nothing more than extend that 60-day no-strike period for another 180 days while the parties continued to negotiate.

Now, the committee has changed it to require the President to make another discretionary finding, or as many discretionary findings as he may choose, that it is desirable, in his opinion, to enjoin the union for whatever period he chooses, or as many times as he chooses, up to a total of 180 days.

CONGRESSIONAL EXERCISE OF AUTHORITY OVER INTERSTATE COMMERCE

There are a number of cases which support the proposition that Congress can legislate return-to-work laws under the general interstate commerce powers.

First. At the outset, it should be noted that the courts have considered transportation to be a particularly appropriate subject for congressional regulation. There is, of course, no question as to the interstate nature of the air transportation as viewed here. The routes of all of the struck carriers cross State lines. They carry passengers and cargo from State to State. See *Island Airlines* v. *United States*, 352 F. 2d 735 (9th Circuit 1965). Commercial air travel wholly within Hawaii was held to be interstate commerce.

Thus, it is difficult to conceive of any type of business which is more interstate in character than the commercial air transportation of the struck carriers.

In addition, air transportation, like railroad transportation, is affected with the public interest. For this reason, each industry is already subject to congressional and agency regulation of a quite detailed nature. And it is these two elements—the clearly interstate nature of and the basic public interest in transportation—which have caused the courts to give Congress broad latitude in the regulation of transportation.

An example of this latitude is found in *Wilson* v. *New*, 243 U.S. 332, where the court upheld a congressional statute which ended a railway strike, sent the employees back to work and prescribed the precise terms on which work was to be continued for up to 9 months.

In this case, the Congress went so far as to set the wages of the employees. In this case, the Congress went so far as to set the hours of work of these employees.

What this case really adds up to, let me say to Members of the Senate, is that Congress arbitrated the case. Its decision was to apply for a period of 9 months, leaving it up to the parties thereafter to enter into whatever agreement they could.

It has been argued on the floor of the Senate this afternoon that Wilson against New is a 50-year-old case, a 1917 case, and that therefore in some way it has weakened the importance of the case. For 50 years that has been an uncontested doctrine of law in this country both in respect to constitutional power of Congress and in respect to what is meant when Congress is vested with control and regulatory powers of interstate commerce.

I shall have something to say before I finish in regard to the 1963 case but, at this moment, suffice it to say, as I said earlier in my colloquy with the Senator from Massachusetts [Mr. KENNEDY], that it is true Congress did not send men back to work in the 1963 case. It just stopped them from striking.

Some way, somehow, the notion is abroad in the Senate that this weakens the action taken by Congress in 1963. Let me say that Congress, in passing a law with the purpose of preventing men from going out on strike is not only analogous but is close to involving exactly the same principle. It is more drastic, in my opinion, to prevent, in advance, the carrying out of an intention to strike.

In my judgment, the 1963 action of Congress was, in effect, a reaffirmation that when the country is confronted with a strike in a regulated industry with serious consequences to the public which must be considered of paramount interest—consequences which call for Congress to act—then Congress must act.

This case is such a strong case, as we analyze the language of the case, that it ought to put to rest any question as to whether or not we can go this short distance that I propose to go in my resolution, which only says to the parties, "You are going to go back to work; you are going to work under your old agreement subject to retroactivity to January 1, 1966, when it is finally settled."

I digress for a moment to say that I think the parties to this dispute ought to be giving consideration to their actions before legislation is passed, because they will get some legislation. I think all the odds are in favor of their getting some legislation. If they do not voluntarily go back to work, they will end by being sent back to work in order to protect the public interest. They might just as well

face that fact. I cannot imagine Congress so completely abdicating its responsibilities that it will permit this strike to continue and let the public interest suffer the great losses it will suffer from a continuation of the strike.

Shall Congress let this strike continue to a point at which there will have to be a surrender to a union that uses its naked economic power? I repeat that phrase because the Machinists Union seemed to take offense, in the article I placed in the RECORD earlier today, because the Senator from Oregon described what they are doing as an "exercise of naked economic power." That is what it is.

In such a critical hour as this, with a great crisis facing the country on many fronts, with the great danger that will confront us if such a precedent is established, I do not see how we can prevent what will happen unless we proceed to pass a whole body of economic-control legislation, including a tax bill, a price-control bill, a wage-control bill, a rent-control bill—in other words, cease functioning as a free economy. But we can maintain a free economy that can work in an hour of crisis, if all groups in America will cooperate to make the economy work.

If the Machinists' Union, by the exercise of naked economic power, is permitted to set a precedent, the whole line of labor disputes waiting in the wings will come onto the economic stage and argue, as they will argue, that they are deserving, not of less, but of as much as was obtained in the airlines case. If they succeed, we shall go through the inflationary protective ceiling, and an inflationary tornado will sweep the country. An irate public will then demand that Congress remain in session for whatever period of time is necesary to pass economic control legislation of the type I have just mentioned—wage controls, price controls, rent control, and taxation.

But such drastic legislation is so unnecessary. That is why I shall continue, no matter how much criticism I receive from labor lobbyists and labor members, to carry out what I consider to be my trust. I shall urge that Congress pass a joint resolution, in keeping with its constitutional responsibility to regulate commerce, ordering the men to return to work, and that the President sign the resolution. That is the responsibility of the President. That is where the responsibility of the President begins. He should join as a partner with Congress in signing legislation that will bring the strike to an end for the period covered by the resolution. What that period should be is one of the things that has been under discussion all afternoon. That is why the Senator from Oregon is not presenting to the Senate tonight a resolution, other than his own joint resolution, because, as he announced earlier this afternoon, it was expected at that time that there would be a resolution cosponsored—and I feel certain that they would not object to my saying so—by the Senator from Florida [Mr. SMATHERS] and the Senator from Alabama [Mr. HILL], chairman of the Committee on Labor and Public Welfare.

The Senator from Alabama did a magnificent job as chairman and did a magnificent job in discussing the merits of the issue throughout the hearings in the Labor and Public Welfare Committee. Although they would be cosponsors of the resolution in this form, I am not putting the names of the Senator from Florida [Mr. SMATHERS] or the Senator from Alabama [Mr. HILL] on this resolution tonight, because I think they should have an opportunity to make their judgment on the final form of it as it will be offered tomorrow. That is the reason for my making the speech on the resolution this afternoon, which in the last few minutes has been released to the press.

Mr. President, I was making the point that I think if a resolution mandatory in nature is passed that has the effect of sending men back to work, in addition to other provisions, the parties themselves ought to give favorable consideration, before we pass the final resolution, to an arrangement whereby the men will go back to work on the basis of the wage agreements they entered into with the negotiating committee of the union last Friday night.

After all, they had reached an agreement. I do not think it would be realistic for anyone to think the final settlement will be less than the wage agreement—a fair agreement—which was reached by way of collective bargaining, and which had the superb mediation services of Secretary of Labor Wirtz and Assistant Secretary of Labor Reynolds.

I hope we would be able to modify the resolution to permit the use of the wage agreement that was arrived at the other day, rather than to proceed on the basis of my resolution as it now reads; namely, that of the old agreement, subject to retroactivity to January 1, 1966.

Why not face the fact that the parties are in agreement almost to the extent they agreed the other day? It was an agreement which led to the action of the negotiating committee, in recommending acceptance to the members of the union, but which the members of the union rejected on Sunday.

Further, may I say, there is good reason for the 180 days provision in my resolution. I want the RECORD to show it. I based it upon good advice and I got it that time from the administration; that is, they wanted the Congress back in session. The parties would have a chance to settle it ahead of time, but the 180 days puts the Congress back in session and the 150 days gives the Congress 30 days in which to pass more legislation.

Now, I think that Congress acted very unwisely in 1916. It is beyond compulsory arbitration. The Congress became the arbitrator. But that is beside the point. Rather, the significance of Wilson against New is that under the Constitution, the Congress has very wide powers under the commerce clause to regulate transportation and, in particular, to deal with labor disputes resulting in serious strikes in that industry.

For, as the Supreme Court stated in that case—and I would recommend that labor and management, in all the regulated industries of our country take note of the language of the Supreme Court:

When one enters into interstate commerce one enters into a service in which the public has an interest and subjects one's self to its behest. And this is no limitation of liberty; it is the consequence of liberty exercised, the obligation of his undertaking, and constrains no more than any contract constrains. The obligation of a contract is the law under which it is made and submission to regulation is the condition which attaches to one who enters into or accepts employment in a business in which the public has an interest. [See also *Brotherhood of Locomotive Firemen and Enginemen* v. *Chicago, Burlington & Quincy Railway Company*, 225 F. Supp. 11, 21–22 (D.D.C. 1964), aff'd, 331 F. 2d 1020 (D.C. Circ. 1964).]

I mention the Brotherhood of Locomotive Firemen case because most Senators were here in these seats when the locomotive firemen were sent back to work by order of Congress, and not only that, but their case was submitted to compulsory arbitration over my own objections.

We did not pass the buck to the then President of the United States in 1963. The Senate took the issue away from President Kennedy and went beyond the legislation he wanted.

I said, in my colloquy with the Senator from Massachusetts [Mr. KENNEDY] this morning, and I want to repeat it now so that it will appear at this point in my formal speech, that the President in 1963 did not ask for the legislation that Congress passed. He asked for different legislation. The very morning of the day that the vote was taken in the Senate, President Kennedy called me to the White House to discuss with me the legislation that was then pending on the floor of the Senate, which was not his proposal.

President Kennedy asked me, at that discussion, to come to the floor of the Senate and offer his proposal as a substitute for the committee proposal. And he said to me—as the Senator from Montana [Mr. MANSFIELD], our majority leader, can verify—that if only the Senator from Montana and the Senator from Oregon voted for his proposal, he still wanted it offered, because it incorporated what he stood for.

President Kennedy's proposal, in 1963, was not a compulsory arbitration proposal, but a proposal to send the matter to the Interstate Commerce Commission rather than to a compulsory arbitration board. The President's proposal failed to pass by a vote of 15 yeas to 75 nays.

Without taking the time to read it, Mr. President—because the important thing is to have it available to Senators who may wish to read it—I ask unanimous consent that an excerpt from my statement on August 27, 1963, in which I explained the position of the President and in which I offered the President's proposal as a substitute, be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SETTLEMENT OF DISPUTE BETWEEN RAILROAD CARRIERS AND THEIR EMPLOYEES

The Senate resumed the consideration of joint resolution (S.J. Res. 102) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

Mr. MORSE. Mr. President, I wish to speak on my amendment No. 82, which I under-

stand is the pending amendment to Senate Joint Resolution 102. I express my sincere thanks to the Senator from Wyoming [Mr. McGEE] and the Senator from Washington [Mr. MAGNUSON], chairman of the committee, for arranging a parliamentary situation whereby the Senate will proceed to the consideration of this amendment as a substitute for the committee amendment.

I offer the amendment as the administration's amendment. The amendment was prepared by the administration. It is a sound amendment, in my judgment. I shall briefly outline it.

The amendment retains the procedure set forth in the President's original recommendation to the Congress, the original Senate Joint Resolution 102, with this major modification, which was first proposed by the Secretary of Labor in a conference in the majority leader's office several days ago, prior to the final action of the Senate Commerce Committee, as representing the administration's proposal: It proposes that a seven-man board, two from the carriers, two from the brotherhoods, and three public members, the public members to be selected necessarily by the President, proceed to arbitrate the dispute, under the auspices of the Interstate Commerce Commission. They would make their award recommendations to the Interstate Commerce Commission, which would have authority to modify the award if it saw fit, and then promulgate the award.

Speaking only for myself, I say to the carriers and to my colleagues in the Senate that, in my judgment, the possibilities and probabilities of any modification of an award of a fair board of arbitration are most remote.

This proposal of the Secretary of Labor, as he submitted it in the majority leader's office the other day, follows a procedure that prevailed during World War II, under the jurisdiction of the National War Labor Board. The National War Labor Board had ultimate jurisdiction, but there was a series of regional War Labor Boards and special commissions. For example, there was the West Coast Lumber Commission, which had jurisdiction over all disputes in the lumber industry in the Western States. There was a special commission known as the Shipbuilding Stabilization Commission. Other commissions involved other industries.

I served as chairman of the Appeals Division of the National War Labor Board, which had jurisdiction of appeals, acting on behalf of the Board, although there was a procedure permitting a case to be sent to the full Board if necessary. But that did not become necessary. There was a right to take appeals from any decisions of special commissions or regional boards.

Our policy was to sustain the decisions of the special commissions, except on one score: If a special commission should hand down a decision that violated the National Wage Policy, it knew that it would be reversed on that point. It never became necessary to reverse them, because the boards maintained contact with the national Board and determined the question of fact as to what the national wage policy was with respect to a given area. At no time was it necessary to reverse a special commission.

I cite that fact in support of the opinion I have just expressed that, in my judgment, the probability of the Interstate Commerce Commission's modifying a decision of a fair arbitration board is most remote. But I am willing to come to grips with the essence of the argument of those who are in opposition to this part of the measure I am offering. Should this authority be given the Interstate Commerce Commission? My answer is, "Yes, by all means." I know that I am dealing with a phase of the law that is pregnant with legal abstractions.

These legal abstractions are vital to the preservation of our rights in the whole field of American jurisprudence. Let me say to American labor, particularly railroad labor, that in this instance they are vital to the best interests of railroad labor.

It has been argued that the railroad brotherhoods do not have confidence in the Interstate Commerce Commission. That is a rather sad commentary. It certainly would be no justification for Members of Congress to refuse to give to an existing legal agency of Government jurisdiction which falls clearly within the sphere and the province of its authority. It is our agency. It is our instrumentality. Congress created the Interstate Commerce Commission. I do not want to assume that Members of Congress would wish to confess to incompetency on the part of the Interstate Commerce Commission, and not have done anything about it over recent years.

I ask my colleagues in the Senate who make that argument: "What proposals have you made for modifying the Interstate Commerce Commission if you think in an hour of crisis it is not the Government agency that can carry out such legislative function as we seek to delegate to it in my proposal?

I deny the premise, because in my judgment the Interstate Commerce Commission is qualified and competent to carry out the duties that are sought to be imposed upon it in my proposal.

I said last night, and I repeat briefly here, that we have assigned to the Interstate Commerce Commission by law a great many duties in the field of labor relations, although they have not been so called. Sections 5(2)(f) of the Interstate Commerce Act turns over to the Commission administration of the Washington agreement. The Washington agreement came out of the house of the brotherhoods as well as of the carriers. It was the result of a negotiated understanding which the parties reached. We gave to the Interstate Commerce Commission jurisdiction to administer it in the case of all mergers that deal with job security, and the present dispute is primarily a problem of job security.

I do not buy the argument that the Interstate Commerce Commission does not have the competency or experience which qualifies it to deal with the review power which is provided for in the substitute amendment now under discussion.

That is not the only jurisdiction which the Interstate Commerce Commission has over jobs and working rules. When we are dealing with the Interstate Commerce Commission we are dealing with an agency of Government—and I do not believe this is subject to dispute—that knows more about railroad problems than any other group within the Government. We have given them the jurisdiction to supervise and regulate the railroads of the country, and have done so for years by legislative fiat.

I am one politician who is not going to give heed to the propaganda of the brotherhoods, that because they do not want the dispute to go to the Interstate Commerce Commission, Congress should not place it with the Interstate Commerce Commission. Who is in control of this Government, the brotherhoods, or Congress, acting on behalf of all the people?

If we have set up a commission in behalf of all the people which is not competent to regulate the railroads and pass upon the issues of job security involved in connection with working rules which affect the operation of the railroads, we had better get busy and do something about the Interstate Commerce Commission. I will not vote to keep this dispute from the Interstate Commerce Commission merely because some brotherhood politicians do not want it placed in the Interstate Commerce Commission. They ought to be brought under the canopy of a system of Government by law. We have in our system of Government by law an existing agency to which we have entrusted jurisdiction over railroad operations.

Every time the Interstate Commerce Commission must deal with a litigious matter, or an adversary matter, in regard to a continuance or discontinuance of a railroad train or a railroad line, working rules are bound up in that controversy, and jobs are bound up in it, and the interests of families of those who are connected with the railroad are bound up in it.

For years the Interstate Commerce Commission has been given jurisdiction by Congress to pass on that subject matter.

I could cite the authority that the Interstate Commerce Commission has over safety matters. Do Senators believe that jobs are not involved in that field? Do Senators believe that the Interstate Commerce Commission is not passing in those cases upon job security, upon the bread and butter of hundreds and perhaps even thousands of workers in the railroad industry? Of course it is.

We should come to grips with this problem. Let us not assume a most extreme hypothetical situation. Aside from the appeal procedure, to which I shall refer in a moment, and remaining in the political arena for the moment, suppose that the Interstate Commerce Commission should hand down an unfair decision. Do Senators believe that we would sit on our haunches?

The Commission is our agent. It is our baby. We gave it birth. We have clothed it with its jurisdiction.

I say to the members of the brotherhoods that they have no right at this time to suppose that Congress would sit idly by—if all the fears that they have voiced in their lobbying activities of recent days on the Hill should prove to have any justification in fact—and permit an injustice to be done to the railroad workers. We would not, any more than we would sit by and permit an injustice to be done to the stockholders of the railroads. They, too, are parties to the dispute.

As I have listened to some of the discussions in the cloakrooms and elsewhere, I have come to the conclusion that apparently some people believe that there is only one party to the dispute; namely, the railroad brotherhoods. There are two others, and one of them is more important than two of the three. They are the carriers and there is the public. The public interest must come first. I say most respectfully that Congress, in this historic debate, should direct its attention to what is in the best interest of the public. The substitute which I am offering this afternoon is in the best interest of the public and fair to the party litigants. It would set up a seven-man arbitration board. That is what the committee measures would do. It is a tripartite board. We may finally decide upon a presidential appointment, if necessary, to arbitrate the dispute, now that the parties have put Congress in the position where it must pass some legislation. That would call for arbitration. What kind of arbitration? Senators should remember that if this dispute is kept within the framework of the Interstate Commerce Commission, we make available to the parties all the procedures of review and appeal, and all the procedures of the Administrative Procedure Act. If we put it in the hands of an independent, ad hoc arbitration board, those procedures will not be available to the parties. I am at a loss to understand why the brotherhoods have not recognized that important procedural difference between my proposal and that of the committee.

My amendment speaks for itself. However, because questions have been raised in respect to how all the issues in dispute will be handled, I wish to read section 6 of my amendment, beginning on page 5, line 18. I

am talking about the so-called secondary issues. The two main issues go directly to arbitration, and this is the way the so-called secondary issues are included, although I know of no real secondary issues in the case, for every issue involves the bread and butter of thousands of workers. Every issue is of vital concern to the railroad families of the country. In my judgment, every issue, unless equitably handled, could lead to a strike. So my proposal handles this problem as follows, beginning on page 5, line 18:

"SEC. 6. The parties shall proceed immediately to bargain collectively, with the assistance of the National Mediation Board concerning any unresolved issues regarding any proposals which were included in the notices of November 2, 1959, or September 7, 1960, but which do not involve the manning of train or engine crews and the protection of the interests of the employees affected thereby. If agreement has not been reached within sixty days following the effective date of this joint resolution, any party may submit its proposal to the Interstate Commerce Commission. If the Commission determines (1) that the party submitting such proposal has exhausted all reasonable efforts to reach a settlement of such issues through collective bargaining, and (2) that it is unlikely that any agreement with respect to such issue or issues or with respect to voluntary procedures for the disposition of such issue or issues will result from further efforts to bargain collectively, the Commission shall refer the proposal to the Special Board—"

That is the special arbitration board provided for in the amendment—

"for disposition in the same manner as in the case of applications filed under section 1. The provisions of section 5 of this joint resolution shall be applicable to matters covered by such proposals.

"SEC. 7. (a) The provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes" (29 U.S.C. 101–115) shall not be applicable to an action under sections 5 or 6 of this Act In any such action, service of the complaint and summons shall be made on the parties to the controversy by delivery thereof to an officer or to any other agent of said parties authorized by appointment or by law to receive service of process."

Mr. President, I close with this final argument: Unless there are vital reasons for not following the original proposal of the President of the United States, I plead with Senators to support the hand of the President, for, in my judgment, he recommended to Congress a procedure that is fair. It has been greatly improved by the Wirtz amendment. The amendment provides for the tripartite board that the Committee on Commerce provides, a board which would function under the auspices of the Interstate Commerce Commission.

The proposal would provide for a fair settlement of the dispute. It continues to avoid my major objection to the committee's proposal of an ad hoc, general, compulsory arbitration board that might very well set an unfortunate precedent that could be brought to bear upon many labor disputes in the future, involving workers outside the railway industry.

I repeat what I said last night: Congress has always, as a matter of course, tended to treat railway labor differently, legislatively, than the rest of labor. Thus we have the National Mediation Board, the Washington agreement, the boards that are established to handle the retirement funds of the railroad brotherhoods, the Chicago board that considers grievances that arise with respect to the expenditures of funds. There is a set of separate legislation for railway labor, including the Interstate Commerce Act and the Railway Labor Act of 1926.

The proposal offered by the administration keeps the procedure within the framework of existing legislation that is applicable to railroad labor.

Mr. President, I urge the adoption of my amendment.

Mr. MORSE. Mr. President, the important thing right now is that Congress did act on its own in 1963. It did prevent men from going out on strike by that action. It considered the situation sufficiently important to warrant such action.

That was only 3 years ago. We do not have to go back 40 years for a precedent as far as the principle involved is concerned. We only have to go back 3 years. In that dispute, the union was not yet out on strike, but it was threatening to strike, and we all knew it would strike if we did not pass legislation to prevent it from striking.

In the railroad case, there were only 32,500 firemen involved. Some are saying there are only 35,000 mechanics involved in this case, and that is not enough to justify congressional action. But Congress went much further 3 years ago to act against fewer railroad firemen.

But it knew the effect of the strike. I am only urging that the Senate take into account the effect of this strike. It is the effect of the strike, irrespective of the number of people involved, that determines whether or not Congress, vested under the Constitution with power to regulate interstate commerce, should persist in its efforts, particularly at a time as critical as the present.

I quote the opening section of the Senate Joint Resolution 102 adopted by the Senate on August 27, 1963:

Resolved, * * * that no carrier which served the notices of November 2, 1959, and no labor organization which received such notices or served the labor organization notices of September 7, 1960, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by any of such notices, or, engage in any strike or lockout over any dispute arising from any of such notices.

The 32,500 firemen were not even on strike when Congress took that action less than 3 years ago.

I am at a loss to understand what seems to me to be the implication of some of the statements made on the floor of the Senate this afternoon that because the men were not on strike then, that case is not applicable to the situation which confronts us now in the case of the airline strike.

But then we went even further. We did not even wait for a strike in 1963. We stopped the strike. We ordered them not to strike. That was going even farther than the 1917 case, Mr. President.

If in 1963, Congress felt that it had the responsibility to forestall a strike, in my judgment it certainly has a responsibility to end the strike that is now going on.

As I have noted, I voted against that resolution because it went on to submit the issues to compulsory arbitration. But it was a carrying out of the congressional responsibility and authority to regulate commerce.

I have never said Congress does not have the authority, in carrying out its regulatory powers under the interstate commerce clause, to pass legislation for compulsory arbitration. I just do not vote for compulsory arbitration, because I do not think it is justified. I think we need to seek ways other than the compulsory arbitration technique, because compulsory arbitration can become the pattern.

The RECORD will show that in 1963 I said:

Watch out for this as a precedent.

There were speeches on the floor of the Senate, as the RECORD will show, by Senators who said:

I am voting for this, but this is no precedent.

But our acts speak louder than our words. In voting thus, we do establish a precedent for compulsory arbitration.

In those days, the railroad brotherhoods were very angry with the senior Senator from Oregon. The RECORD will show that I addressed a few remarks to the chiefs of the five operating brotherhoods, who were sitting in the gallery, when that debate took place, also.

I said to them:

I wish to say, as a friend of the legitimate rights of labor, you are establishing a very bad precedent today. You are the group of labor leaders who, for the first time in all of our legislative history, here will have to assume the responsibility for suggesting that Congress go along with a compulsory arbitration law.

Mr. President, labor does not like to hear me say so, but that is what they were lobbying for that afternoon. That does not mean that they favor compulsory arbitration in general, but they thought it would be the lesser of two evils. They were dead wrong about it, Mr. President.

But the fact is that in 1963, Congress did pass compulsory arbitration legislation.

We did not shrink from it. We did not try further to dilute and dissipate the remaining fragments of congressional authority by trying to pass that buck, too, to the President of the United States in 1963.

I say to Senators that we must cease being the collaborators in our own decline. We cannot complain about growing executive supremacy if we refuse to accept the most basic assignment of responsibility which the Constitution makes to us. We cannot complain about excessive Presidential discretion over the lives of people and the economy of the Nation when we thrust upon him a discretion that he did not seek, and which we are supposed to exercise ourselves.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. May I say to the Senator, I have never heard him more right about anything—and I have heard him be 100 percent right on many occasions—than in the statement he makes that Senators who talk about the executive usurping the powers of Congress, but who in some instances propose that we vote unfettered power to the

President, without setting down what the standards should be, cannot decline to share the responsibility.

How can a Senator complain, on the one hand, that the executive usurps our power, and, when the problems come to Congress, decline to accept our share of the responsibility?

Mr. MORSE. I say to the Senator from Louisiana, we cannot do it. Of course, as he knows, I have discussed this principle of constitutional law so many times in the Senate during my many years here that I know it becomes a little monotonous to my fellow Senators.

But it appears to me to be basic to the preservation of our form of government. It appears to be basic to the question of whether or not we will continue to maintain a system of three coordinate and coequal branches of government, each with a check on the other two. It is a question of whether we are going to abdicate, time after time, here in the Senate, so far as our checking power is concerned, and as far as our basic, substantive legislative rights are concerned, by passing the buck to the executive branch of the Government more and more; and then, when we find we are in the position of not liking what the President is doing, proceeding to attack and criticize the President because, in that instance, we think he makes capricious and arbitrary use of his discretionary power.

It does not add up. I cannot square that Jekyll and Hyde attitude of many of my fellow Senators on this particular matter. I say either these employees should be put back to work by Congress, or they should not be put back to work.

These men either should be put back to work by Congress, in carrying out its responsibility under the interstate commerce clause, or they should not be put back to work at all. In my judgment, this decision is basically a legislative responsibility and not an executive responsibility at all.

I argued it in committee yesterday, and I have argued it elsewhere. In one sense although they do not want to do so, in another sense they are saying: "Mr. President, we will let you legislate for us." In effect, what we are doing by the resolution that I oppose is saying to the President: "If you want to send the men back to work, we authorize you to do it."

The President, in effect, is saying: "This is a legislative responsibility." And so it is. All I am asking is that Congress live up to its legislative responsibility.

I shall say only a few words by way of summary, as to why I think the approach that those of us who are advocating mandatory legislation passed by Congress, and not legislation that simply seeks to pass the discretionary responsibility to the President, is a much sounder approach.

The legislation that I am proposing is a sound and sensible approach in my judgment, to the airlines' dispute, first, because its fundamental concepts are fair and workable. It will get the planes flying, but it will also maintain the maximum opportunity for free collective bargaining and a settlement through continuing mediation. It will do so without seizure or compulsory arbitration, and it will do so without any or the serious flaws that I think exist in the present resolution. I shall summarize my opposition to the pending resolution after I present this affirmative summary of what I consider to be the advantages of my resolution.

Second, the structure of my resolution, I think, is practical. There would be a 180-day period in which work will resume while the Special Airlines Dispute Board appointed by the President considers the background and circumstances of this dispute in an endeavor to reach an agreement between the parties.

If an agreement has not been reached within 150 days, the Board would make recommendations to the President, and the President would advise the Congress of the terms or procedures which will assure a final agreement in the public interest.

Why do I say that the structure is very practical? Take out the calendar. As we pass this legislation, we had better have a calendar in front of us at all times, because under my resolution the 150 days takes us to that period of time after Congress adjourns sine die, and until Congress reconvenes in January.

Who can say when we are going to adjourn sine die? No one can say. I think the probabilities are that we will adjourn sometime prior to the election, although I well remember in 1962 when we had such a critical situation existing in our country that we did not adjourn until, I think, a day or 2 less than 3 weeks from the date of the election.

The crisis then was reaching an explosion point over the missile situation in Cuba. A good many of us had to come back because of our work either with the Foreign Relations, Armed Services or the other committees which had vital responsibilities in connection with the Cuban situation. We consulted for those few days before the Cuban crisis was resolved.

It may very well be that the situation will become so critical, because of an international or domestic crisis, or if we find ourselves between now and the election in a situation involving management-labor relations, or other critical domestic issues, that it might be necessary for Congress to stay in session right up to just before the election. Who knows?

The probabilities are that we will get out some time early in October. That is the latest date that we hear mentioned at the present time. I certainly think that, from let us say the 10th of October until reconvening in the early part of January, we should have legislation on the books which would give to the American people a guarantee that there is not going to be a breakdown, through a return to a strike situation in an industry which is as essential and vital to the transportation of people to various sections of the country as is the airlines transportation industry.

This is practical. This makes sense. Furthermore, the 150-day figure contained in the resolution is a desirable one because the resolution provides that after 150 days the President shall report to Congress the findings of the Special Airlines Dispute Board that is set up in the resolution.

If the findings are that there is still not much hope for a settlement of the dispute by the end of 180 days, then Congress still has 30 days to pass additional legislation to continue to guarantee to the American public that their paramount interest, over the interests of the carriers and the workers, will be protected by Congress.

I repeat that I think the structure of my resolution is very practical. I said earlier that if a better provision to protect the interest of the public is worked out, the senior Senator from Oregon is open to accepting any reasonable modification of that part of the resolution. I also am open to accepting a reasonable modification of any other part of the resolution.

Third, and this is important to me and to men who are as sincere and dedicated to their trust as I am, but who may disagree with me—and that is what a part of the debate is all about—then my resolution, in my judgment, has the additional strength that it does not pass the responsibility to the President of the United States.

Under my resolution Congress makes the necessary findings to the President of the United States under the special procedure provided. What is involved is basically an extension of the time-tested techniques of the Railway Labor Act, specifically tailored to the special circumstances of this case.

There is no placing the onus on the President in broad and sweeping terms after a series of preliminary findings. Responsibility begins with Congress, and it ends with Congress, as far as the passage of the resolution is concerned. Then the responsibility is taken up by the President on the issue as to whether he signs or vetoes it.

This establishes a cooperative relationship between Congress and the President. This makes Congress and the President partners in a joint settlement of this dispute for the 180-day period, as far as jointly agreeing that the strike must end, the paramount interest of the public must prevail, and the men must go back to work, enforced, if necessary, by a court order for that period of time or so much of that period of time as is necessary prior to entering into a voluntary collective bargaining agreement. That is an essential point in my resolution.

I know that I have repeated it, but it cannot be repeated too much, because even with all the discussion of it, I still find colleagues who do not understand that great difference between my resolution and the resolution that was reported by the committee. Furthermore, may I say, I think we ought to strengthen the hand of the President and not weaken the hand of the President.

I am at a loss to understand the argument that giving him this arbitrary discretion is going to strengthen his hand. We would make him the subject, in my judgment, of an attack, and isolate him, all alone, as an easy target.

We ought to be perfectly willing, more than 500 of us in Congress, to stand shoulder to shoulder with the President if he signs the resolution, as I am satisfied he will sign it.

I cannot say more than that, other than to put it in this way: I do not have the slightest doubt but what the President will sign a resolution based upon the major principle of the Morse resolution.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. In this case has not the President already put the prestige of his office on the line?

Mr. MORSE. No question about it.

Mr. LONG of Louisiana. He has tried to settle the strike. He succeeded in getting the labor leaders and the spokesmen for management together, and they reached an agreement. But the rank and file of labor told the President "No."

Mr. MORSE. Of course.

Mr. LONG of Louisiana. When the President has been rebuffed, would it not be particularly inappropriate of Congress to shirk its responsibility in this matter? Is it not the responsibility of Congress to pass on this issue rather than to give the President the discretionary power to force labor to do that which labor does not wish to do, after it has told the President "No"?

Mr. MORSE. I completely agree.

Mr. LONG of Louisiana. The President has placed his prestige on the line. Labor has told him "No." Would it not be inviting a lawsuit—even inviting downright defiance—when labor has declined to accept the suggestion of the President, for the President to have discretion to order labor back, without Congress saying that labor should be asked to go back to work or whether it should not be asked to go back to work?

Mr. MORSE. I completely agree.

Mr. LONG of Louisiana. So, would it not actually invite lawsuit, at that point, to contest any proposed injunction in the event labor preferred not to go back? Would it not wave a red flag in front of labor, on one hand, and invite a court test on injunction, on the other hand, for Congress to decline to say whether labor should or should not go back to work?

Mr. MORSE. I agree.

I shall not go into a long legal argument tonight. When I finish this summary of what I believe are the affirmative values of my resolution, I shall make a brief summary of my reasons for opposing the committee's resolution, and I shall discuss those in detail tomorrow. In the interest of time tonight, I shall postpone my discussion of that aspect of this case.

Mr. LONG of Louisiana. In the last analysis, when the President has suggested that this would be an appropriate settlement, and the rank and file of labor have declined to accept it—to go the route of a continued strike—would it not be well for Congress to sit in the position of being the jury on this issue, to insist on further negotiations in pursuit of a voluntary settlement?

Mr. MORSE. I think so.

Mr. LONG of Louisiana. We have heard from the contending sides. Congress does not wish to side with management or with labor. If we wish to end the strike, Congress should take the affirmative, courageous position of saying that this is what should be done.

Mr. MORSE. The Senator is correct.

The President is putting himself on the line in another way, also. He deserves the credit, in my judgment, for the two parties coming to an agreement the other night. As I have said on the floor of the Senate before, he deserves the credit for the settlement of the steel case and for the settlement of the second east coast longshoremen case, just as President Kennedy deserved the credit for the settlement of the first longshoremen case. In addition, the President has made perfectly clear his position on the substantive issues involved, by making the public statement, in effect, that he believed the case should be settled within the framework of his Emergency Board's report.

By saying, since the agreement was reached the other night, that the agreement was within the framework of the Emergency Board's report, he has also put himself on the line in regard to the substantive issues involved.

I shall say something momentarily about some of the discussions that have occurred in the Senate, concerning the substantive issues, by very sincere men who, in my judgment, overlook the many facts involved. If the Senators knew about the facts or took the time to analyze them, they would not have made those statements in regard to the substantive issues.

Mr. LONG of Louisiana. Perhaps the Senator intends to cover this further in his statement, but this thought disturbs me. The Senator has mentioned the precedent involved. Can the Senator think of a worse precedent to set in Congress? When a major strike is in progress, it is proposed for Congress to say that it will not say that labor is right; it will not say that labor is wrong; it will not say that this is a sufficiently serious matter to justify the President acting; it will say that the President should know more about it than Congress, and that with more facts available to him than to Congress, he should either assume the responsibility to either stop the strike and bring the people back to work, or not to exercise that responsibility?

I ask the Senator, does that not invite every Member of Congress in the future in the case of all big strikes to vote for the resolution and then to say to labor and to management: "I did not say the President should do this. I believe he exercised his discretion the wrong way. If I had been the President, I would not have done this. But somebody had to make the decision, and we believed that the President would know more about the situation than we."

Would it not be more appropriate for Congress to study the matter well enough and to understand it well enough so that we could take the responsibility for what we do, so that we could say that the strike will end and the men will go back to work, or that the strike will not end and the men will not go back to work?

Once we set this precedent of throwing the matter into the unfettered discretion of the President, does that not set the worst possible precedent for the future?

Mr. MORSE. I believe so. But sincere and honest men disagree with me. I believe that it does. I believe it would be a most unfortunate legislative precedent.

Mr. LONG of Louisiana. Does it not invite us, in other major strikes in the future, to say:

"I shall not judge this matter. I shall not judge whether or not these people should be required to go back to work. I shall just let the President decide it. If he believes it is in the national interest, he will decide it."

And then Congress would pass measures that could never be passed in the event Congress had to take the responsibility of saying, "Yes, we believe this should happen."

Mr. MORSE. I believe it would be a great mistake.

The fourth point I wish to make, by way of summary, as to why I recommend my resolution to Senators, is that it exercises restraint and preserves traditional rights.

It might be easier and simpler to prescribe a binding and final settlement now, as Congress did in 1916 and, to a degree, did in 1963, when it passed a compulsory arbitration law. But I wish to urge that broader principles are at stake, which transcend the immediate case—among them the right to free collective bargaining in a free society. This traditional right would be protected by the Morse resolution, and the interests of the public would be served as well.

Why do I say that? Because the rights of the workers would be protected under my resolution, as far as retroactivity is concerned, and it would not impose compulsory arbitration upon them. It would not impose upon them a congressional determination of the substantive issues involved in the dispute, but it would leave to them the right to bargain collectively, and to negotiate and mediate collectively, in regard to the dispute, knowing full well that naked economic power in a regulated industry does not give them the right, in the name of right-to-strike, to force a settlement that cannot be reconciled with the public interest.

So this becomes, as we see, a matter of degree and also a matter of judgment. But there is no denying to labor of their legitimate rights—I stress the word "legitimate." There is no denying their legitimate rights, under a free society, for free collective bargaining.

If the union insists on following a course of action of striking against the public interest because they may have the economic power to force out of the carriers a settlement not in the interest of the public, a settlement which is unjustifiable in this case, they will not serve the best interests of labor, nor will they serve, in my judgment, as they should serve, as protectors of free collective bargaining and negotiation by way of mediation.

A summary of my main objections to the committee's joint resolution is as follows:

First, I think it violates the basic concepts of fair play and equal protection of the laws. The joint resolution cannot be reconciled with the Constitution. It mocks the Constitution. It delegates to the President severe and drastic powers over 35,000 workers and five major airlines without a finding of a national emergency, without a single guiding standard, without a single procedural safeguard, and without a provision for any hearing.

Such a deprivation of the right to strike is inherently unfair. It raises grave constitutional doubts.

The pending joint resolution will settle no dispute. In my judgment, it will not only buy a lawsuit, it will result in a chain reaction of litigation. In my legal judgment, the joint resolution cannot be justified on legal grounds. It will result in a great deal of litigation. I am not alone in that view, for even the Attorney General of the United States shares that view. Not enough thought has been given to the legal consequences of the joint resolution, because of the discretionary power it seeks to vest in the executive branch of the Government, through the President. That is quite a different thing from a manadatory congressional act based upon the constitutional authority of Congress under the commerce clause. When the President exercised the discretion that he would exercise under the joint resolution, he would not be acting under the commerce clause.

He does not have the authority to regulate commerce. He will be taken into court. We know the litigation which took place in the Truman administration in connection with the steel case.

Mr. President, you will remember that because of the serious international situation that was involved in that case, the President, exercising his discretion, decided that the national security was so seriously jeopardized, that by Executive order, he issued an order for a seizure of the steel plants.

Many people seem to think that the Supreme Court decision in that case was a decision to the effect that a President does not have the inherent power to order a seizure of a plant that is vital because of its processes in protecting the security of the public.

I am surprised that even so many lawyers have fallen victim to the fallacious contention that the Supreme Court in the steel case decided that a President of the United States cannot in time of national crisis and emergency engage in a seizure order.

That is not what the Court decided at all. The Court decided that the facts presented in the case did not show any such national emergency. That is what that case stands for.

I knew something about the steel case. I had been involved in that question in an advisory capacity, too. I thought it was perfectly clear that a national emergency did exist, but we could not tolerate a strike in the steel industry because of the need for the equipment and the product of the steel mills for American defense establishments, in light of the terrible crisis that had developed in Korea.

But what the Supreme Court really found was that the Government failed to establish the facts that would support a national emergency finding. That is all.

Mr. President, the situations are not parallel. I am not arguing as a lawyer that the situations are parallel. I am arguing that there is an analog of connection between the two cases because, in my judgment, the resolution reported by the committee, due to the discretionary power it seeks to give the President, is going to result in litigation. It is going to put the union in a position where there is a possibility that there may be held up the application of the law; where injunction will be denied for an interminable period of time until the court can search into the questions, and the matter will have to undergo court processes to determine whether this is a legal exercise of discretion by the President.

Mr. President, I talked about this very matter with the Attorney General this afternoon. He agrees with me that that is one of the weaknesses of the pending resolution, to say nothing about the other weaknesses I shall mention in a moment.

There is no question about the ability of the Department of Justice, if the union makes it necessary—and I cannot believe that they would be that shortsighted—under the Morse resolution to proceed with necessary legal steps to end the strike and put the men back to work on the ground that the legislation is based on the power of the Congress to regulate interstate commerce.

That is quite different than giving the President discretionary power to issue an order that the men go back to work on the basis of his finding. A finding has to be a congressional finding, and that is why I am urging that we keep in this resolution the mandatory provisions that I have in it whereby the Congress orders the men back to work, and the President signs it. The President agrees with the Congress, and the President joins with the Congress when he puts his signature on that joint resolution.

Now, I mentioned this matter in the Labor Committee yesterday. Many of my colleagues disagreed with me. I read the resolution I was offering. I pointed out that the resolution I was offering left no doubt for legal soundness. The resolution proposed by the committee, in my judgment, raised grievous legal doubt as to its effectiveness for quick implementation because I think it would throw the entire issue into protracted litigation.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is it not true that the legal doubts that would result from conferring on the President unfettered discretion make it more difficult to rely upon labor respecting that decision by the President?

Mr. MORSE. I hear that they believe that, but I hate to think that we have gotten into that kind of dilemma in this country. I hate to think it, but nevertheless, as the Senator has heard me say so many times, we had better watch the procedure that we put into any legislation. If there are procedural loopholes there is no assurance that some persons, without this sense of responsibility to the public, may not take advantage of the loopholes.

Mr. LONG of Louisiana. I inquired of the Attorney General about the legal certainty that the committee resolution could be carried out.

Mr. MORSE. I was with the Senator when the Senator discussed it with him, following the receipt of the communication which the Senator has in his hand.

Mr. LONG of Louisiana. I asked the Attorney General to put in writing what he told me: that he felt that a good labor lawyer might very well challenge the power of the President to act under the committee bill. The Attorney General has written to me. Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter from the Attorney General dated August 2, 1966.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., August 2, 1966.

Hon. RUSSELL B. LONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am writing in response to your inquiry regarding any constitutional or other legal problems involved in S.J. Res. 181 as reported by the Senate Labor Committee yesterday.

While I do not wish to comment on either the need or merits of this legislation I would like to call your attention to Section 2 which delegates the broadest possible authority to the President to order people back to work pending settlement of a labor dispute. No standards are expressed in the resolution by which to guide the President in this extraordinary delegation of power.

Section 5 provides for enforcement through injunctive relief. In any judicial proceedings a court would have to find that the power had been exercised properly. Thus the absence of express standards would invite attack in such proceedings. The unnecessarily broad nature of the delegation is underscored by the fact that Congress would already have made the finding expressed in the Railway Labor Act without stating what further findings, if any, the President should make before exercising his discretion.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

Mr. MORSE. I am glad that the Senator has introduced the letter.

Mr. LONG of Louisiana. Here is a statement of the Attorney General, who is an extremely able lawyer, saying that to proceed in a fashion that the committee recommended is to invite a contest in court as to whether these men can be required to go back to work by discretionary authority of the President. I am sure that no one intends that, but there is no doubt whatever in my judgment—and I believe the Attorney General concurs, and so does the Senator from Oregon—that if an act of Congress is passed,

signed by the President, terminating the strike, then there is no doubt whatever that Congress has the authority to do exactly what it is trying to achieve.

Mr. MORSE. That is my argument, too. The Senator will recall another case during the tenure of the Senator from Louisiana and myself—I do not recall the exact date—but we had, in effect, a railroad strike. President Truman on that occasion, I recall, came before a joint session of Congress and recommended that strikers be put in the Army. Immediately, some of us on the floor of the Senate, when we returned from the joint session, opposed the proposal of the President. It was an interesting debate to read in retrospect because there, too, we pointed out that there would be some serious legal difficulties as to whether a President had the discretionary right to do what he recommended, to submit men to a form of involuntary servitude, which I thought was an abuse of discretionary power on the part of the President.

Fortunately, in that case, the issue never got to the point of a legal test because the brotherhoods, as the Senator will recall, even on that day, announced that they were going back to work. I very well remember, even at that time, that the same legal concerns I am expressing tonight were being expressed at that time. The Senator from Ohio, Robert Taft, who was majority leader then, made a brilliant legal argument in opposition to it, a point of view which I shared and supported.

Returning to my discussion of the committee resolution, I make these further observations:

IT COULD CREATE A SERIES OF SWEEPING DECISIONS AND CONTROLS

Mr. President, so unrestrained are the powers granted under the resolution that the President could set wages for the workers, set profits for the airlines.

Order one airline to operate on Mondays and Thursdays, one to operate only on Saturdays, and the remaining three not to fly at all.

Allow one airline to operate 50 days and another to fly only 7.

Determine details of airline operations from timetables to menus.

Direct the resumption of work for 2 hours, for 2 days, for 2 weeks, 2 months, or for 6 months.

Or, on the other extreme, he could do absolutely nothing at all.

IT SHIRKS SENATORIAL RESPONSIBILITIES

The resolution begins with a congressional "finding" that the airlines dispute "threatens substantially to interupt interstate commerce." It continues with a congressional "finding" that emergency measures are "essential" to settle the dispute. After these findings one would think that the resolution would prescribe a carefully conceived and thoroughly debated remedy. But in this case the resolution stops short. It backs away and says to the President—"We made the findings. It is your problem now—you handle it." The Senate cannot abdicate its responsibility so lightly on matters so vital to the public interest. Yet, that is the purpose and intent of Senate Joint Resolution 181.

ITS MOTIVATION MUST SERIOUSLY BE QUESTIONED

The resolution is seriously flawed. It is difficult to imagine so casual an approach to such basic and complex issues—the right to strike and the right to have labor disputes settled by free collective bargaining in the absence of a finding of national emergency. Because of this have the tactics of ward politics now become the watchwords of the Senate? This must not be allowed to happen.

Because of this, I happen to think that there is the question of the election ahead to be considered. I believe that if it were not for the election date in November, we would have less difficulty getting Congress to go along with mandatory legislation. Those on the other side—and I respect them—have assured me that that is not their motivation, although some cannot very well assure me of that, because of the statements they have made in which they express concern about the effect of the resolution on the elections in 1966, pointing out that the President is not a candidate in 1966 and will not be until 1968.

In my judgment, the general public, by the millions, will charge Congress with playing politics with the issue if it fails to adopt mandatory legislation. I do not think that we should walk in with that kind of attack upon Congress when all we need to do is show that there is no basis for it at all by joining the President in passage of legislation mandatory in nature which he will sign.

Mr. President, I have been asked by many for some information on these points. I am not going to take time to read it now, but will ask unanimous consent to have it printed in the RECORD.

I have been asked whether the Railway Labor Act language in my amendment is a sufficient basis for ordering strikers back to work. I have covered this point and ask unanimous consent that the memorandum containing the legal proof be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

IS RAILWAY LABOR ACT LANGUAGE IN MORSE AMENDMENT TO SENATE JOINT RESOLUTION 181 SUFFICIENT BASIS FOR ORDERING STRIKERS BACK TO WORK?

The answer to this question, in my opinion, is clearly and unequivocally, yes. The language in question is contained in the Railway Labor Act, Sec. 10, "threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service."

A finding by the National Mediation Board and subsequently the President triggers the appointment of an Emergency Board. The Board has thirty days to make its investigation and report to the President. During this thirty days and for thirty days after the report is filed, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose. In effect then upon a finding in accordance with the language of Sec. 10, which I have included in S.J. Res. 181, the parties are enjoined from a lockout or strike. Certainly if it is legal and constitutional to so enjoin a strike under the Railway Labor Act, it is under S.J. Res. 181.

In addition, there are a number of cases which support the proposition that Congress can legislate return to work laws under the general interstate commerce powers.

1. At the outset, it should be noted that the Courts have considered transportation to be a particular appropriate subject for Congressional regulation. There is, of course, no question as to the interstate nature of the air transportation as viewed here. The routes of all of the struck carriers cross state lines. They carry passengers and cargo from state to state. See *Island Airlines* v. *United States*, 352 F. 2d 735 (9th Cir. 1965) (commercial air travel wholly within Hawaii held to be interstate commerce). Thus, it is difficult to conceive of any type of business which is more interstate in character than the commercial air transportation of the struck carriers.

In addition, air transportation, like railroad transportation, is affected with the public interest. For this reason each industry is already subject to Congressional and agency regulation of a quite detailed nature. And it is these two elements—the clearly interstate nature of and the basic public interest in transportation—which have caused the Courts to give Congress broad latitude in the regulation of transportation.

An example of this latitude is found in *Wilson* v. *New*, 243 U.S. 332, where the Court upheld a Congressional statute which ended a railway strike, sent the employees back to work and prescribed the precise terms on which work was to be continued for up to nine months.

Now, I happen to think that Congress acted very unwisely in following that course of action. It went beyond compulsory arbitration. But that is beside the point. Rather, the significance of *Wilson* v. *New* is that under the Constitution the Congress has very wide powers under the Commerce clause to regulate transportation and, in particular, to deal with labor disputes resulting in serious strikes in that industry. For as the Supreme Court stated in that case:

"When one enters into interstate commerce one enters into a service in which the public has an interest and subjects one's self to its behest. And this is no limitation of liberty; It is the consequence of liberty exercised, the obligation of his undertaking, and constrains no more than any contract constrains. The obligation of a contract is the law under which it is made and submission to regulation is the condition which attaches to one who enters into or accepts employment in a business in which the public has an interest." See also *Brotherhood Loc. Fire & Eng.* v. *Chicago B & Q R Co.*, 225 F Supp. 11, 21–22 (D.D.C. 1964), aff'd, 331 F. 2d 1020 (D.C. Cir. 1964)

2. General constitutional principles applicable to regulation of interstate commerce likewise support the constitutionality of the Morse Resolution.

In passing upon cases predicated on such commerce, the courts adopt a very simple approach. They first ask whether the object of Congressional regulation may be rationally said to move in or affect interstate commerce—the interstate nature of air transportation here requires no argument.

After concluding that interstate commerce is involved, the courts then determine whether there is *a rational connection* between the problem which the legislation seeks to meet and the method chosen by the Congress to deal with it. The courts' function is not to decide whether the methods chosen were the best or the wisest ways of regulating the commerce. These are the responsibilities of the legislature. The courts' job is ended once it decides if there was a reasonable tie between the evils against which the Act is drawn and the means chosen to cope with the evils.

And in deciding the degree of rationality required to uphold the constitutionality of Congressional regulation of commerce, the court properly accords great latitude to the

Congress. Indeed, I know of no case during the last 25 years in which the Supreme Court has held to be unconstitutional a statute dealing with something which the Court has concluded to move in or affect interstate commerce.

Thus, in *Atlanta Motel* v. *United States*, 379 U.S. 241, upholding the constitutionality of the public accommodations provisions of 1964 Civil Rights Act, the Supreme Court described the judicial function in interstate commerce cases in explicit terms.

"The only questions are: (1) whether Congress had a rational basis for finding that racial discrimination by motels affected commerce, and (2) if it had such a basis, whether the means it selected to eliminate that evil are reasonable and appropriate." *Id.* at 258–259.

These tests are easily met here. First, air transportation is clearly interstate commerce. Second, the means contemplated by the Morse Resolution (a 180-day no-strike period, during which time mediation will go forward and in which any agreement with respect to wages will be retroactive to January 1, 1966) are "reasonable and appropriate" to "eliminate the evil" (a tie-up of essential air transportation services which has inflicted heavy and continuing damage to the national interest and to the traveling public). While it could be argued that the Morse Resolution is not the *only* rational means of coping with the current strike, it cannot fairly be said that it is not *a* rational means of dealing with the strike.

3. When essential transportation services are threatened, Section 10 of the Railway Labor Act calls not only for the establishment of an emergency board, *but also for a ban on strikes or lockouts during the 60-day period the emergency board is considering and has reported on the dispute.* 45 U.S.C. 160. There are no cases on this point only because the law is so clear that neither management nor labor has ever thought it worth the trouble to make the contrary argument.

Since the Morse Resolution merely extends the Section 10 period during which work and mediation is to proceed, it can be said to be unconstitutional only if Section 10 as now constituted is unconstitutional. In other words, the Morse Resolution is unconstitutional only if the whole pattern of railway labor negotiations over the past 40 years is unconstitutional.

Neither does it make sense to contend that although the 60-day ban on strikes is constitutional under the present Section 10, the extension of that period by 180 days makes it unconstitutional. After all, the operation of the Railway Labor Act now often prohibits strikes for far more than 180 days while the normal processes of the Act—including the notices, bargaining, mediation and reporting—are being exhausted.

First, however, any lingering doubt on the constitutionality of a 180-day no-strike period should have been laid to rest by the decision of the Court of Appeals for the District of Columbia Circuit in *Brotherhood of Locomotive Fire & Eng.* v. *Certain Carriers*, 225 F. Supp. 11 (D.D.C. 1964), 331 F. 2d 1020 (D.C. Cir. 1964). There, the Court of Appeals affirmed a lower court decision upholding the 1963 railway strike statute, which prohibited strikes for two years after the arbitration award went into effect—for a total ban of about 2½ years after passage of the statute itself.

4. The Court of Appeals decision in the *Locomotive Firemen* case *supra*, supports the Morse Resolution in another respect. The 1963 railway statute provided a far more drastic remedy than would the Morse Resolution in that the former called for compulsory arbitration whereas the Morse Resolution does not. The 1963 Act banned strikes for 2½ years *and* imposed compulsory arbitration and nevertheless was found to be constitutional. These two elements would appear to make the constitutionality of the milder Morse Resolution an *a fortiori* matter.

5. It is true that the 1963 railway situation posed more of an emergency threat than does the current airline strike at this time. But this difference is not significant. In the first place, it is settled that Congress has the authority to avert emergencies, as well as to resolve those that have actually arisen. *Wilson* v. *New*, *supra*, 243 U.S. at 348. Moreover, in weighing the constitutionality of legislative action, it is settled that the courts will relate the statutory remedy to the situation it seeks to correct. In other words, an emergency situation may justify imposition of more drastic measures than would be true of a less-than-emergency situation. The Morse Resolution follows this approach by avoiding drastic steps. It avoids compulsory arbitration and cuts the no-strike, no lockout period from 2½ years to the relatively short period of ½ year. And, under the terms of the bill, the parties themselves will fix the wages and working conditions for the six-month cooling-off period, as well as for the future. To put it another way, the Morse Resolution rationally tailors the relief sought to the nature of the conditions against which the relief is directed. This underscores the essential soundness of the bill in constitutional terms; it deals logically and rationally with the precise nature of the interruption of air services.

6. *Wilson* v. *New*, 243 U.S. 332, held constitutional a Congressional statute which went far beyond anything contemplated by the Morse Resolution. The Act in question imposed, by *legislation*, the terms and conditions on which a railway labor dispute was to be settled. In other words, Congress *legislated* a solution. It did not leave the parties free to try to resolve their difference during a no-strike period as does the Morse Resolution.

It did not set up a board of arbitration to resolve the points of controversy as did the 1963 Emergency Railway Act. Instead, in *Wilson* v. *New*, the Congress had imposed specific terms on the railroads and unions for which work was to be continued for a period of up to 9 months. Nevertheless, the Act was upheld. In the light of that decision, the constitutionality of the Morse Resolution follows as a matter of course.

Mr. MORSE. It is not surprising but understandable that many of my colleagues have been asking me a good many questions dealing with the merits of the substantive issue in this dispute; namely, the argument as to whether, in view of the profits of the industry during the past 2 years, the workers are not entitled to their demands, or almost their demands.

I have already discussed in previous speeches in the Senate, and in the committee, my position in regard to that point. I have said over and over again that the workers are entitled to a fair settlement, but the fact is that in the past 2 years, which is really the only 2-year period in the last 10-year period the airline companies have been making substantial profits. In fact, during the past 10-year period there have been several years in which various companies have lost money and not made money. Including the years of profits, their return is 5.1 percent. They would have a hard time getting an investment in industry if, over a 10-year period, there was only a 5.1-percent return on investment.

The question is also raised as to how much of the profits the workers are entitled to. They are entitled to some, but so is the public.

As I said earlier, this is a regulated industry, with hundreds of millions of dollars of the taxpayers' money invested in the industry, first in the form of subsidies for the large carriers, in the building of airports with taxpayers' money, which provided work opportunities for the workers and the private enterprise opportunity for the carriers.

So we have an industry that has a vested public interest, which means Government has regulatory power over it. It does not mean that in a regulated industry the workers can demand whatever they think the traffic will bear and enforce their demand with a strike, if their demand is obviously exhorbitant. Nor does it mean that the carriers can charge anything they want. It means the Government has set up a regulatory board, known as the Civil Aeronautics Board, to regulate the industry, to take whatever steps are necessary in the fixing of rates, to see to it that it receives a fair return, to see to it that the public shares in the profits, to the point of having the rates fixed at a reasonable figure, leaving also a fair share of profits to the workers and the companies.

With regard to whether or not in some particular industry, some particular job classification may get more in that particular plant, and that therefore these workers ought to be allowed higher wages, there must be a complete understanding of the criteria that will have to be considered by any board, or by any arbiter, for that matter, in connection with mediation in the fixing of wages.

So I ask unanimous consent to have printed at this point in the RECORD a memorandum headed "Special Comparison of Airline Wage Rates to Wages in Comparable Industries and Occupations."

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SPECIAL COMPARISON OF AIRLINE WAGE RATES TO WAGES IN COMPARABLE INDUSTRIES AND OCCUPATIONS

During a public hearing before the Committee on Labor and Public Welfare of the United States Senate on July 27, 1966, suggestions were made by a spokesman for the IAM that wages currently being paid to the employees they represent are inequitably low when compared to certain other industries and contract settlements. Particular reference was made to comparable wages in bus line repair, auto and truck repair, defense industries, etc. Actually, these allegations amount to an attempt at relitigating the questions of fact which had been fully heard and decided by Presidential Emergency Board No. 166. A discussion of selected rates in this context is inappropriate. The following comments are offered, however, to assist interested persons in analyzing the accuracy and credibility of the allegations made in the Hearing:

I. TYPICAL GREYHOUND BUS RATES

There is a wide variation between the rates of pay for Greyhound bus mechanics around the country and for such mechanics in certain west coast locations. The IAM cited a recent IAM-Greyhound settlement which gave a basic hourly wage to west coast bus repair mechanics in excess of $4.00 an hour. That is true. The reference to this figure overlooks, however, the fact that the pay

for bus repair mechanics working for this and related companies elsewhere in the United States is as follows:

Miami	$3.32
Chicago	3.38
Washington-Baltimore	3.39
New York City	3.32
Boston	3.32
Atlanta	3.32
Pittsburgh	3.32
Minneapolis-St. Paul	3.38

To the best of our knowledge, the foregoing rates include cost of living factors where such factors are an element in the contract. When comparing the current $3.52 mechanics rate, which would be subject to an immediate 18¢ increase to $3.70 according to the PEB No. 166 recommendation, it should be evident that the recommendation continues to keep airline mechanics far ahead of the large majority of their colleagues working on bus repair around the nation. In this brief analysis, it is also impossible to completely tell how the bus companies place a limited number of employees in the maximum rates which are described above. Early reports indicate a tendency to restrict the number of mechanics occupying the maximum rate and to expand the number of lesser skilled employees in lower labor grades working on bus repair.

II. TYPICAL TRUCK REPAIR RATES

The Industrial Relations Department of the American Trucking Association published on June 1, 1966 a compilation of journeymen mechanics hourly wage rates in effect in selected cities throughout the United States. The rates were drawn from trucking labor agreements, primarily negotiated with the IAM. A copy of that compilation is attached. It should be evident from a comparison of the $3.70 airlines mechanics rate (the result of $3.52 plus 18¢ per PEB recommendation) with the typical rates in effect in 1966 that the airline mechanics are far ahead of the majority of their colleagues working in truck repair around the United States. Again, a small number of west coast locations enjoy a higher wage. Significantly, the PEB recommendation for wage increases of 18¢, 15¢ and 15¢ over the life of the agreement will bring the airline mechanics rates very close to even these, most extreme west coast rates. On the whole, however, the airlines mechanics rate is far ahead and will continue to be far ahead of the majority of truck repair mechanics rates.

III. TYPICAL AEROSPACE WAGE RATES

Douglas Aircraft Company, Inc. and IAM District Lodge 1578 are under a contract from August 2, 1965 through July 15, 1968 for aerospace work by machinists in Santa Monica, California. Wages paid to some representative job categories as of July 18, 1966 are set forth below. These figures show not only the basic wage rate but also a cost of living factor which is being included in the rate beginning in August 1966:

Building and equipment mechanic A	$3.57
Carpenter maintenance A	3.63
Machinists maintenance	3.89
Mechanic, auto A	3.49
Mechanic maintenance A	3.63
Sheetmetal workers, maintenance A	3.57
Storekeeper	3.07

The airlines employ so called "mechanics" to perform comparable functions for these job titles (with the exception of storekeeper whom the airlines entitle a "store's clerk"). Comparing the $3.70 airline mechanics rate for all of these job categories to the rates stated above, it should be evident that the airlines are ahead of the wages paid in most of the representative mechanical categories drawn from the Douglas-Lodge 1578 agreement. Under the PEB recommendation, a typical airline storekeeper would be paid $3.07, the same wage being paid at Douglas for the same function. Obviously, a more detailed analysis is necessary if this subject is going to be seriously pursued. A brief study shows, however, that there is no pattern of inequity when comparing airlines mechanics rates to a typical aerospace company under contract with the IAM in a west coast location. We have not even discussed the lengthy progression steps through which the Douglas-Lodge 1958 contract compels workers to move as they go toward the top of the rate. Again, just as in the bus line situation, there is a great tendency to subdivide categories into lesser skilled levels and lesser pay rates.

IV. UPDATING OF CARRIER EXHIBIT NO. 27 BEFORE PRESIDENTIAL EMERGENCY BOARD NO. 166 COMPARING GROSS HOURLY EARNINGS OF A TYPICAL AIRLINE EMPLOYEE WITH THOSE OF TYPICAL EMPLOYEES IN AMERICAN INDUSTRY

Before the Presidential Emergency Board #166, the carriers introuced Exhibit #27, copy of which is attached. When all of the published categories and rate levels in this airline bargaining unit are considered, from messenger to technician, including mechanics, and when overtime and various forms of premium pay are included in the computation, the weighted average gross hourly wage for a typical employee in this airline bargaining unit turned out to be $3.42 per hour (this is a statistical figure and there is not necessarily any employee receiving this particular sum). Exhibit #27 showed that when this airline figure was compared to an identically computed figure in other American industries, the airline employees ranked first and have ranked first for many years. We have reviewed the U.S. Department of Labor's booklet "Employment and Earnings and Monthly Report on the Labor Force" Volume 12 No. 12 for June 1966, to update the earnings rankings shown in Exhibit #27.

A copy of that United States Department of Labor release is enclosed. Based on the data available in May 1966, the airline employees ranking in first place continues to be true. We refer interested parties to data on pages 60, 62, 64, 66 and 68 of the most recent BLS study, for confirmation of this fact. The weighted average used in Exhibit 27 was $3.42. We conservatively estimate that the Presidential Emergency Board's recommendation would add 18¢ to that figure, resulting in a new $3.60 weighted average. That keeps the airline employees substantially ahead of their counterparts in a broad representative sample of other American industries.

Mr. MORSE. Mr. President, I also ask unanimous consent to have inserted at this point in the RECORD other data and material that I have used in the presentation of my point of view before the Labor and Public Welfare Committee, and before the Senate, dealing, for example, with the item of earnings, dealing with a table showing the comparison of wage rates of comparable workers in this industry and with workers generally or in so-called comparable industries.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[CARRIERS EXHIBIT 27]

RANKING OF AVERAGE GROSS HOURLY EARNINGS OF PRODUCTION WORKERS BY INDUSTRY, MAINTENANCE OF EQUIPMENT, AND STORES EMPLOYEES OF THE RAILROADS AND IAM-REPRESENTED EMPLOYEES OF THE FIVE CARRIERS

This exhibit shows the relationship of the average gross hourly earnings of the IAM-represented employees of the five carriers with the gross hourly earnings of production workers by industry groups and railroad maintenance of equipment and stores employees throughout the past 10 years.

The IAM-represented employees progressed from a ranking of fifth place among the groups in 1956 to the top position in 1962, a position which has been retained to date.

Ranking of average gross hourly earnings of production workers by industry, maintenance of equipment, and stores employees of the railroad and IAM-represented employees of the 5 carriers, January of each year 1956–66

	1966	1965	1964	1963	1962	1961	1960	1959	1958	1957	1956
5 carriers	$3.42 (1)	$3.41 (1)	$3.32 (1)	$3.18 (1)	$3.09 (1)	$2.94 (2)	$2.86 (2)	$2.78 (1)	$2.48 (3)	$2.35 (4)	$2.19 (5)
Petroleum refining and related industries	3.37 (2)	3.24 (2)	3.20 (2)	3.14 (2)	3.08 (2)	3.00 (1)	2.89 (1)	2.77 (2)	2.73 (1)	2.60 (1)	2.43 (1)
Transportation equipment	3.29 (3)	3.19 (3)	3.08 (3)	2.97 (4)	2.87 (4)	2.76 (4)	2.74 (4)	2.60 (4)	2.44 (5)	2.36 (3)	2.23 (4)
Primary metals industries	3.23 (4)	3.15 (4)	3.06 (4)	2.99 (3)	3.01 (3)	2.82 (3)	2.86 (2)	2.76 (3)	2.56 (2)	2.47 (2)	2.33 (2)
Ordnance and accessories	3.16 (5)	3.07 (5)	2.97 (5)	2.89 (5)	2.80 (5)	2.74 (5)	2.64 (5)	2.58 (5)	2.46 (4)	2.30 (6)	2.14 (7)
Printing publishing and allied industries	3.09 (6)	3.00 (6)	3.93 (6)	2.83 (6)	2.78 (6)	2.71 (6)	2.63 (6)	2.54 (6)	2.44 (5)	2.35 (4)	2.28 (3)
Machinery	3.03 (7)	2.92 (7)	2.84 (7)	2.75 (7)	2.67 (7)	2.58 (8)	2.53 (8)	2.43 (8)	2.33 (8)	2.26 (7)	2.16 (6)
Railroad, maintenance of equipment and stores	[1]2.96 (8)	2.88 (8)	2.74 (9)	2.73 (8)	2.62 (9)	2.62 (7)	2.55 (7)	2.51 (7)	2.36 (7)	2.21 (8)	2.09 (8)
Chemicals and allied products	2.93 (9)	2.84 (9)	2.77 (8)	2.69 (9)	2.63 (8)	2.54 (9)	2.46 (9)	2.35 (9)	2.25 (9)	2.14 (9)	2.03 (9)
Fabricated metal products	2.81 (10)	2.72 (10)	2.65 (10)	2.58 (10)	2.53 (10)	2.45 (10)	2.42 (10)	2.31 (10)	2.20 (10)	2.11 (10)	2.00 (11)
Paper and allied products	2.70 (11)	2.61 (11)	2.52 (11)	2.44 (13)	2.38 (14)	2.29 (15)	2.22 (15)	2.15 (15)	2.06 (15)	1.97 (15)	1.87 (15)
Stone, clay, and glass products	2.67 (12)	2.56 (14)	2.50 (13)	2.44 (13)	2.39 (13)	2.30 (14)	2.26 (13)	2.17 (14)	2.10 (13)	2.02 (13)	1.91 (13)
Instruments and related products	2.66 (13)	2.59 (12)	2.51 (12)	2.46 (11)	2.42 (11)	2.36 (11)	2.27 (12)	2.20 (12)	2.11 (12)	2.04 (12)	1.93 (11)
Rubber and miscellaneous plastic products	2.64 (14)	2.59 (12)	2.50 (13)	2.46 (11)	2.42 (11)	2.34 (12)	2.32 (11)	2.26 (11)	2.14 (11)	2.08 (11)	2.01 (10)
Electrical equipment and supplies	2.61 (15)	2.56 (14)	2.50 (13)	2.43 (15)	2.38 (14)	2.31 (13)	2.25 (14)	2.18 (13)	2.09 (14)	2.02 (13)	1.90 (14)
Food and kindred products	2.48 (16)	2.44 (16)	2.38 (16)	2.30 (16)	2.24 (16)	2.16 (16)	2.10 (16)	2.01 (16)	1.93 (16)	1.84 (16)	1.75 (16)
Miscellaneous manufacturing industries	2.20 (17)	2.14 (17)	2.09 (17)	2.03 (17)	1.98 (17)	1.93 (17)	1.89 (17)	1.83 (17)	1.79 (17)	1.75 (17)	1.66 (17)
Lumber and wood products	2.16 (18)	2.08 (18)	2.08 (18)	1.97 (18)	1.97 (18)	1.84 (19)	1.83 (19)	1.80 (19)	1.74 (19)	1.65 (19)	1.60 (19)
Furniture and fixtures	2.15 (19)	2.07 (19)	2.02 (19)	1.97 (18)	1.94 (19)	1.89 (18)	1.86 (18)	1.81 (18)	1.76 (18)	1.72 (18)	1.65 (18)
Tobacco manufacturers	2.15 (19)	2.05 (20)	1.97 (20)	1.90 (20)	1.81 (20)	1.74 (20)	1.69 (20)	1.63 (20)	1.55 (20)	1.50 (21)	1.41 (21)
Leather and leather products	1.91 (21)	1.86 (21)	1.79 (21)	1.74 (21)	1.71 (21)	1.65 (21)	1.62 (21)	1.58 (21)	1.54 (21)	1.50 (21)	1.43 (20)
Textile-mill products	1.91 (21)	1.83 (22)	1.76 (23)	1.69 (23)	1.65 (23)	1.61 (23)	1.59 (22)	1.51 (23)	1.49 (23)	1.49 (23)	1.41 (21)
Apparel and related products	1.85 (23)	1.81 (23)	1.78 (22)	1.70 (22)	1.69 (22)	1.62 (22)	1.58 (23)	1.57 (22)	1.53 (22)	1.51 (20)	1.41 (21)

[1] As of November 1965.

NOTE.—Figure in parenthesis indicates ranking of earnings.

Source: "Employment and Earnings," U.S. Department of Labor, "Wage Statistics for Class I Carriers." Interstate Commerce Commission Company Records.

TABLE C–2.—*Gross hours and earnings of production workers, by industry*

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
	Mining	$129.81	$122.60	$127.37	$123.97	$120.51	$3.04	$2.94	$2.99	$2.91	$2.89
10	Metal mining		134.30	129.79	127.68	125.33		3.16	3.12	3.04	3.02
101	Iron ores		139.07	133.74	131.04	127.98		3.28	3.27	3.15	3.16
102	Copper ores		141.76	135.99	134.42	132.25		3.20	3.17	3.09	3.09
11, 12	Coal mining		117.64	143.44	138.40	134.11		3.40	3.49	3.46	3.43
12	Bituminous		120.05	146.08	141.40	137.07		3.43	3.52	3.50	3.47
	Crude petroleum and natural gas		122.12	121.69	117.15	114.66		2.86	2.83	2.75	2.73
131, 132	Crude petroleum and natural gas fields		128.84	126.36	123.73	121.80		3.15	3.12	3.04	3.00
138	Oil and gas field services		116.87	118.09	112.20	108.61		2.65	2.63	2.55	2.52
14	Quarrying and nonmetallic mining		120.50	116.22	119.09	111.25		2.66	2.60	2.55	2.50
142	Crushed and broken stone		119.66	114.29	117.85	110.38		2.59	2.49	2.45	2.41
	Contract construction	141.35	140.60	142.88	140.16	132.49	3.81	3.80	3.79	3.65	3.61
15	General building contractors		131.74	134.32	129.54	124.24		3.68	3.65	3.52	3.49
16	Heavy construction		137.48	138.65	139.86	126.72		3.42	3.39	3.33	3.20
161	Highway and street construction		134.89	133.95	139.53	121.20		3.29	3.22	3.26	3.03
162	Other heavy construction		139.87	142.61	140.22	132.10		3.55	3.53	3.42	3.37
17	Special trade contractors		147.42	149.92	147.04	139.76		4.05	4.03	3.89	3.85
171	Plumbing, heating, and air conditioning		155.07	155.96	152.10	147.45		4.07	4.03	3.90	3.87
172	Painting, paperhanging, and decorating		136.22	134.82	136.90	128.49		3.87	3.83	3.72	3.64
173	Electrical work		171.97	173.38	170.82	166.71		4.49	4.48	4.38	4.33
174	Masonry, plastering, stone, and tile work		140.59	142.40	137.47	129.28		4.04	4.00	3.84	3.78
176	Roofing and sheet metal work		116.90	122.50	121.97	108.24		3.50	3.51	3.36	3.28
	Manufacturing	112.05	111.24	110.95	107.53	105.82	2.70	2.70	2.68	2.61	2.60
19, 24, 25, 32–39	Durable goods	121.82	121.54	120.69	117.46	115.93	2.88	2.88	2.86	2.79	2.78
20–23, 26–31	Nondurable goods	97.93	96.71	96.88	94.00	92.20	2.43	2.43	2.41	2.35	2.34
	DURABLE GOODS										
19	Ordnance and accessories	132.19	132.62	131.67	128.96	126.28	3.14	3.15	3.15	3.10	3.08
192	Ammunition, except for small arms	131.52	132.99	132.75	133.34	130.19	3.20	3.22	3.23	3.19	3.16
1925	Guided missiles and spacecraft, complete		143.45	144.14	140.61	137.78		3.44	3.44	3.34	3.32
194	Sighting and fire control equipment		130.42	134.51	125.37	125.11		3.12	3.15	3.15	3.12
191, 193, 195, 196, 199	Other ordnance and accessories	134.23	132.00	129.03	120.22	117.50	3.03	3.00	2.98	2.89	2.88
24	Lumber and wood products, except furniture	94.47	91.84	88.51	89.42	86.69	2.26	2.24	2.18	2.16	2.13
242	Sawmills and planing mills	88.41	85.48	82.62	82.40	79.59	2.11	2.09	2.04	2.00	1.97
2421	Sawmills and planing mills, general		87.10	84.23	84.46	81.41		2.14	2.09	2.05	2.02
243	Millwork, plywood, and related products	103.39	99.25	97.47	98.79	94.76	2.41	2.38	2.36	2.33	2.30
2431	Millwork		96.22	94.87	94.53	89.72		2.37	2.36	2.30	2.26
2432	Veneer and plywood		102.29	100.06	102.23	99.30		2.39	2.36	2.35	2.32
244	Wooden containers	76.26	75.53	73.98	72.98	71.81	1.82	1.82	1.80	1.75	1.76
2441, 2442	Wooden boxes, shook, and crates		73.74	71.28	71.48	69.94		1.76	1.73	1.71	1.71
249	Miscellaneous wood products	87.56	87.14	87.14	85.08	83.64	2.12	2.11	2.11	2.05	2.04
25	Furniture and fixtures	90.67	88.75	89.64	85.89	85.06	2.19	2.17	2.16	2.10	2.09
251	Household furniture	84.87	83.64	84.67	80.99	80.39	2.07	2.06	2.05	1.99	1.98
2511	Wood house furniture, unupholstered		80.10	80.98	77.65	77.04		1.93	1.91	1.84	1.83
2512	Wood house furniture, upholstered		88.98	89.69	83.11	84.63		2.23	2.22	2.17	2.17
2515	Mattresses and bedsprings		89.01	89.70	86.75	85.79		2.30	2.30	2.23	2.24
252	Office furniture		108.20	108.97	102.48	99.63		2.54	2.54	2.44	2.43
254	Partitions: office and store fixtures		112.89	113.02	111.64	108.00		2.74	2.73	2.69	2.68
253, 259	Other furniture and fixtures	97.29	94.58	94.43	90.47	89.16	2.30	2.29	2.27	2.18	2.18
32	Stone, clay, and glass products	115.06	113.82	112.56	110.66	106.97	2.72	2.71	2.68	2.61	2.59
321	Flat glass		155.86	154.51	147.98	150.58		3.65	3.61	3.49	3.51
322	Glass and glassware, pressed or blown	109.62	109.47	111.92	106.52	104.54	2.70	2.73	2.71	2.63	2.64
3221	Glass containers		110.09	114.13	109.89	108.11		2.78	2.75	2.70	2.73
3229	Pressed and blown glassware, not elsewhere classified		108.40	109.47	101.96	100.04		2.67	2.67	2.53	2.52
324	Cement, hydraulic	131.56	132.19	130.94	121.54	124.09	3.17	3.17	3.14	2.95	2.99
325	Structural clay products	98.41	98.23	95.87	95.15	94.02	2.36	2.35	2.31	2.26	2.26
3251	Brick and structural clay tile		92.87	89.04	89.86	87.77		2.18	2.12	2.08	2.07
326	Pottery and related products		98.00	96.87	94.49	93.06		2.45	2.44	2.38	2.35
327	Concrete, gypsum and plaster products	118.99	116.60	114.06	116.10	108.11	2.68	2.65	2.61	2.58	2.52
328, 329	Other stone and mineral products	116.33	115.63	113.82	109.88	107.27	2.75	2.74	2.71	2.61	2.61
3291	Abrasive products		119.42	118.58	112.61	111.36		2.85	2.83	2.72	2.69
33	Primary metal industries	137.99	138.74	137.25	134.09	141.12	3.27	3.28	3.26	3.17	3.20
331	Blast furnace and basic steel products		146.97	143.56	140.69	156.52		3.55	3.51	3.39	3.44
3312	Blast furnaces, steel and rolling mills		147.55	144.54	141.66	159.04		3.59	3.56	3.43	3.48
332	Iron and steel foundries	126.85	128.17	128.60	126.58	122.12	2.95	2.96	2.97	2.89	2.86
3321	Gray iron foundries		126.73	126.59	127.68	122.97		2.90	2.91	2.85	2.84
3322	Malleable iron foundries		128.13	132.49	122.72	126.05		3.08	3.11	2.95	2.98
3323	Steel foundries		131.33	130.90	124.82	120.10		3.04	3.03	2.93	2.88
333, 334	Nonferrous smelting and refining	128.71	129.32	126.96	123.06	125.21	3.05	3.05	3.03	2.93	2.96
335	Nonferrous rolling, drawing, and extruding	137.64	134.77	134.20	128.76	127.15	3.10	3.07	3.05	2.96	2.95
3351	Copper rolling, drawing, and extruding		139.99	140.30	133.29	126.18		3.16	3.16	3.05	2.99
3352	Aluminum rolling, drawing, and extruding		141.04	137.26	132.56	140.85		3.22	3.17	3.09	3.13
3357	Nonferrous wire drawing and insulating		127.02	128.16	123.64	117.04		2.90	2.88	2.81	2.78
336	Nonferrous foundries	118.16	117.74	117.17	113.13	109.06	2.80	2.79	2.77	2.70	2.66
3361	Aluminum castings		118.58	118.02	112.34	109.48		2.83	2.81	2.72	2.69
3362, 3369	Other nonferrous castings		117.30	116.03	114.06	109.03		2.76	2.73	2.69	2.64
339	Miscellaneous primary metal industries	151.51	146.46	150.23	141.57	134.55	3.42	3.43	3.43	3.30	3.25
3391	Iron and steel forgings		150.72	156.09	146.20	139.74		3.58	3.58	3.44	3.40

TABLE C–2.—*Gross hours and earnings of production workers, by industry*—Continued

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
34	Fabricated metal products	$121.84	$119.99	$119.85	$116.75	$113.02	$2.86	$2.85	$2.84	$2.76	$2.73
341	Metal cans	141.70	138.14	135.36	134.83	143.66	3.25	3.22	3.20	3.18	3.28
342	Cutlery, handtools, and general hardware.	114.26	113.02	113.57	110.81	108.65	2.74	2.73	2.73	2.67	2.65
3421, 3423, 3425	Cutlery and handtools, including saws.		113.21	112.36	105.41	102.66		2.67	2.65	2.54	2.51
3429	Hardware, not elsewhere classified.		113.15	114.67	113.85	112.20		2.78	2.79	2.75	2.73
343	Heating equipment and plumbing fixtures.	110.03	108.40	108.00	104.40	101.01	2.71	2.71	2.70	2.61	2.59
3431, 3432	Sanitary ware and plumbers' brass goods.		110.42	109.07	105.59	103.10		2.74	2.72	2.62	2.61
3433	Heating equipment, except electric.		106.40	106.53	103.22	99.33		2.68	2.67	2.60	2.58
344	Fabricated structural metal products.	119.42	117.73	117.03	114.11	108.95	2.85	2.83	2.82	2.73	2.69
3441	Fabricated structural steel		120.38	119.39	116.06	111.66		2.88	2.87	2.77	2.73
3442	Metal doors, sash, frames, and trim.		99.38	98.40	98.47	92.67		2.46	2.46	2.39	2.37
3443	Fabricated platework (boiler shops).		123.06	124.10	119.85	113.70		2.93	2.92	2.84	2.78
3444	Sheet metalwork		123.02	123.35	120.98	116.62		2.95	2.93	2.86	2.81
3446, 3449	Architectural and miscellaneous metalwork.		119.70	113.93	110.70	106.38		2.85	2.82	2.72	2.70
345	Screw machine products, bolts, etc.	128.13	126.83	128.82	121.00	117.50	2.86	2.85	2.85	2.75	2.72
3451	Screw machine products		118.63	120.78	112.15	110.94		2.69	2.69	2.59	2.58
3452	Bolts, nuts, screws, rivets, and washers.		133.80	135.29	128.45	123.26		2.98	2.98	2.88	2.84
346	Metal stampings	134.90	132.75	131.89	131.26	125.40	3.08	3.08	3.06	2.99	2.93
347	Coating, engraving, and allied services.	107.36	105.08	105.42	98.95	96.29	2.55	2.52	2.51	2.39	2.36
348	Miscellaneous fabricated wire products.	110.46	108.84	108.52	104.25	101.93	2.63	2.61	2.59	2.50	2.48
349	Miscellaneous fabricated metal products.	119.99	117.46	117.87	116.05	111.65	2.81	2.79	2.78	2.75	2.71
3494, 3498	Valves, pipe, and pipe fittings		120.70	121.55	119.71	114.26		2.84	2.84	2.81	2.74
35	Machinery	135.83	134.03	134.51	127.74	123.38	3.08	3.06	3.05	2.95	2.91
351	Engines and turbines		144.86	141.57	132.29	132.48		3.33	3.30	3.18	3.20
3511	Steam engines and turbines		147.65	145.51	135.74	138.04		3.41	3.44	3.36	3.40
3519	Internal combustion engines, not elsewhere classified.		143.88	140.40	130.82	130.00		3.30	3.25	3.10	3.11
352	Farm machinery and equipment		131.09	132.62	119.31	116.97		3.07	3.07	2.91	2.86
353	Construction and related machinery.	133.85	132.07	133.42	124.82	122.22	3.07	3.05	3.06	2.93	2.91
3531, 3532	Construction and mining machinery.		135.56	135.77	127.44	125.70		3.16	3.15	3.02	3.00
3533	Oil field machinery and equipment.		124.68	121.82	121.00	118.21		2.84	2.82	2.75	2.73
3535, 3536	Conveyors, hoists, and industrial cranes.		130.24	136.34	120.37	115.93		2.94	2.99	2.81	2.78
3540	Metalworking machinery and equipment.	156.37	153.45	153.64	146.10	141.75	3.32	3.30	3.29	3.19	3.1
3541	Machine tools, metal cutting types.		146.28	146.45	138.31	133.79		3.18	3.17	3.06	3.02
3544	Special dies, tools, jigs, and fixtures.		172.18	171.34	164.57	160.14		3.55	3.54	3.45	3.40
3545	Machine tool accessories		137.56	138.01	130.54	126.29		3.03	3.02	2.94	2.91
3542, 3548	Miscellaneous metalworking machinery.		141.51	143.74	135.86	130.94		3.18	3.18	3.06	3.01
355	Special industry machinery	125.99	124.98	125.24	120.22	114.36	2.87	2.86	2.84	2.77	2.71
3551	Food products machinery		131.26	129.79	127.01	114.00		2.99	2.96	2.94	2.85
3552	Textile machinery		103.76	105.22	101.95	99.06		2.43	2.43	2.36	2.32
3555	Printing trades machinery		134.04	131.67	127.54	124.07		3.11	3.02	2.98	2.49
356	General industrial machinery	134.33	132.24	132.54	125.99	120.80	3.06	3.04	3.04	2.93	2.89
3561	Pumps; air and gas compressors		127.46	127.31	122.39	116.48		2.93	2.92	2.82	2.78
3562	Ball and roller bearings		137.34	136.28	132.68	123.97		3.15	3.14	3.05	2.98
3566	Mechanical power transmission goods		135.58	135.74	125.42	121.96		3.04	3.03	2.91	2.89
357	Office, computing, and accounting machines.	131.63	128.52	132.13	125.33	122.13	3.09	3.06	3.08	2.97	2.95
3571	Computing machines and cash registers.		134.92	139.00	132.40	128.96		3.22	3.24	3.13	3.10
358	Service industry machines	116.34	115.79	115.92	113.82	109.34	2.79	2.77	2.76	2.71	2.68
3585	Refrigeration, except home refrigerators.		115.37	114.54	115.08	110.30		2.78	2.76	2.74	2.71
359	Miscellaneous machinery	128.03	127.58	127.87	122.48	117.00	2.89	2.88	2.88	2.79	2.74
36	Electrical equipment and supplies	108.09	107.68	107.79	150.37	102.91	2.63	2.62	2.61	2.57	2.56
361	Electric distribution equipment	114.53	113.30	115.50	112.75	110.03	2.74	2.73	2.75	2.73	2.71
3611	Electric measuring instruments.		103.41	103.66	99.54	98.31		2.51	2.51	2.47	2.47
3612	Power and distribution transformers.		118.86	119.00	116.75	117.18		2.81	2.84	2.82	2.81
3613	Switchgear and switchboard apparatus.		118.53	122.83	120.25	114.09		2.87	2.89	2.87	2.81
362	Electrical industrial apparatus	117.73	117.87	118.71	115.48	112.19	2.77	2.78	2.78	2.73	2.71
3621	Motors and generators		119.14	119.14	117.87	113.99		2.81	2.81	2.78	2.76
3622	Industrial controls		114.09	115.83	111.83	108.88		2.71	2.70	2.65	2.63
363	Household appliances	118.24	119.68	114.77	112.33	111.93	2.87	2.87	2.82	2.76	2.75
3632	Household refrigerators and freezers.		132.68	121.50	124.92	123.19		3.10	3.03	3.01	2.99
3633	Household laundry equipment.		120.36	125.28	110.26	108.86		2.95	2.99	2.82	2.77
3634	Electric housewares and fans		99.14	100.04	97.61	97.61		2.46	2.47	2.41	2.41
364	Electric lighting and wiring equipment.	102.91	101.34	101.43	99.63	96.24	2.51	2.49	2.48	2.43	2.40
3641	Electric lamps		104.86	104.86	103.38	100.00		2.57	2.57	2.54	2.50
3642	Lighting fixtures		99.29	99.06	100.21	97.77		2.47	2.44	2.45	2.42
3643, 4	Wiring devices		100.86	101.35	97.23	93.13		2.46	2.46	2.36	2.34
365	Radio and TV receiving sets	89.17	91.57	91.87	88.98	87.62	2.31	2.33	2.32	2.27	2.27
366	Communication equipment	120.22	119.65	120.67	116.31	111.48	2.89	2.89	2.88	2.83	2.78
3661	Telephone and telegraph apparatus.		121.72	123.19	118.53	110.92		2.94	2.94	2.87	2.78
3662	Radio and TV communication equipment.		118.28	119.00	114.80	112.03		2.85	2.84	2.80	2.78

TABLE C-2.—*Gross hours and earnings of production workers, by industry*—Continued

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
367	Electronic components and accessories.	$93.25	$91.35	$92.43	$90.20	$87.56	$2.28	$2.25	$2.26	$2.20	$2.20
3671-3673	Electron tubes		110.93	112.46	102.75	101.40		2.55	2.55	2.47	2.51
3674, 3679	Electronic components, not elsewhere classified.		86.37	87.02	86.50	83.56		2.17	2.17	2.12	2.11
369	Miscellaneous electrical equipment and supplies.	117.79	117.62	117.10	112.33	111.35	2.88	2.89	2.87	2.76	2.77
3694	Electrical equipment for engines.		121.10	118.80	118.20	116.87		2.99	2.97	2.89	2.90
37	Transportation equipment	140.48	141.47	140.06	137.81	134.09	3.29	3.29	3.28	3.19	3.17
371	Motor vehicles and equipment		148.68	144.57	148.07	144.32		3.41	3.37	3.32	3.31
3711	Motor vehicles		154.86	149.04	155.50	150.62		3.48	3.45	3.41	3.40
3712	Passenger car bodies		149.74	144.14	148.70	154.07		3.54	3.49	3.45	3.47
3713	Truck and bus bodies		114.11	114.54	114.51	111.78		2.79	2.78	2.72	2.70
3714	Motor vehicle parts and accessories.		148.43	145.68	147.74	142.35		3.42	3.38	3.32	3.28
372	Aircraft and parts	141.70	139.75	141.48	130.73	127.00	3.25	3.25	3.26	3.12	3.09
3721	Aircraft		139.73	140.81	128.86	127.41		3.28	3.29	3.12	3.10
3722	Aircraft engines and engine parts.		141.26	143.01	134.30	125.96		3.27	3.28	3.16	3.11
3723, 3729	Other aircraft parts and equipment.		137.09	140.04	129.93	126.42		3.13	3.14	3.05	3.01
373	Ship and boat building and repairing.	130.83	129.07	130.10	122.78	120.47	3.13	3.11	3.12	2.98	2.96
3731	Shipbuilding and repairing		135.05	137.52	128.64	126.27		3.27	3.29	3.13	3.11
3732	Boatbuilding and repairing		101.63	98.71	99.48	97.88		2.38	2.39	2.38	2.37
374	Railroad equipment		138.20	132.44	127.92	124.34		3.33	3.27	3.19	3.18
375, 379	Other transportation equipment		95.68	95.60	93.56	89.77		2.38	2.39	2.31	2.29
38	Instruments and related products	114.33	112.29	112.67	107.90	104.38	2.69	2.68	2.67	2.60	2.59
381	Engineering and scientific instruments.		130.59	133.18	124.44	113.96		3.08	3.09	2.97	2.96
382	Mechanical measuring and control devices.	116.14	114.36	113.79	108.47	103.86	2.72	2.71	2.69	2.62	2.59
3821	Mechanical measuring devices		117.12	116.69	109.67	105.56		2.73	2.72	2.63	2.60
3822	Automatic temperature controls.		110.27	109.98	107.01	101.26		2.67	2.65	2.61	2.57
383, 385	Optical and ophthalmic goods	102.43	96.63	101.46	96.70	95.82	2.41	2.38	2.41	2.33	2.32
385	Ophthalmic goods		88.26	91.24	88.37	87.72		2.19	2.22	2.15	2.15
384	Surgical, medical, and dental equipment.	96.51	93.79	93.89	90.63	88.26	2.32	2.31	2.29	2.26	2.24
386	Photographic equipment and supplies.		135.21	131.63	129.90	127.75		3.08	3.04	3.00	3.02
387	Watches and clocks		90.50	91.62	87.85	85.28		2.24	2.24	2.18	2.17
39	Miscellaneous manufacturing industries.	88.80	87.74	88.88	84.56	83.10	2.22	2.21	2.20	2.13	2.12
391	Jewelry, silverware, and plated ware.	100.12	100.21	100.60	93.96	92.92	2.46	2.45	2.43	2.32	2.30
394	Toys, amusement, and sporting goods.		77.61	78.99	76.05	73.92		1.99	2.01	1.94	1.93
3941-3943	Toys, games, dolls, and play vehicles.		74.30	76.82	72.77	70.69		1.94	1.98	1.89	1.89
3949	Sporting and athletic goods, not elsewhere classified.		83.01	82.81	81.61	80.00		2.07	2.06	2.02	2.01
395	Pens, pencils, office and art materials.		84.84	85.44	82.41	81.19		2.10	2.12	2.05	2.04
396	Costume jewelry, buttons, and notions.		79.97	82.42	78.41	77.03		2.04	2.04	1.97	1.97
393, 398, 399	Other manufacturing industries	95.75	94.80	95.47	90.52	89.04	2.37	2.37	2.34	2.28	2.26
393	Musical instruments and parts		98.25	99.53	95.27	93.06		2.42	2.41	2.37	2.35
	NONDURABLE GOODS										
20	Food and kindred products	103.89	102.21	101.25	100.45	98.74	2.54	2.53	2.50	2.45	2.45
201	Meat products	109.20	106.53	105.73	107.42	105.06	2.67	2.65	2.67	2.62	2.62
2011	Meatpacking		124.64	124.94	123.73	123.31		3.04	3.04	2.96	2.95
2013	Sausages and other prepared meats.		114.51	115.83	116.34	110.00		2.87	2.86	2.79	2.75
2015	Poultry dressing and packing		61.60	56.25	60.45	55.65		1.60	1.58	1.57	1.55
202	Dairy products	107.94	107.26	106.85	105.15	103.74	2.57	2.56	2.55	2.48	2.47
2024	Ice cream and frozen desserts		104.94	104.41	104.83	103.28		2.63	2.63	2.52	2.55
2026	Fluid milk		112.36	111.14	110.17	108.54		2.65	2.64	2.58	2.56
203	Canned and preserved food, except meats.		83.55	81.30	79.17	75.17		2.17	2.09	2.03	2.01
2031, 2036	Canned, cured and frozen seafoods.		56.00	57.96	52.49	51.10		1.83	1.72	1.63	1.53
2032, 2033	Canned food, except seafood		91.37	89.91	88.13	83.10		2.29	2.22	2.16	2.21
2037	Frozen food, except seafoods		84.87	78.00	78.88	75.58		2.05	1.95	1.91	1.88
204	Grain mill products	115.44	114.23	114.84	110.25	111.25	2.60	2.62	2.61	2.50	2.54
2041	Flour and other grain mill products.		122.99	121.21	116.34	118.10		2.77	2.73	2.65	2.66
2042	Prepared feeds for animals and fowls.		98.12	96.79	94.26	94.76		2.21	2.18	2.09	2.12
205	Bakery products	104.75	102.40	101.35	100.35	99.05	2.58	2.56	2.54	2.49	2.47
2051	Bread, cake, and perishable products.		103.97	102.40	102.72	101.25		2.58	2.56	2.53	2.50
2052	Biscuit, crackers, and pretzels.		95.94	97.42	93.30	92.19		2.46	2.46	2.38	2.37
206	Sugar		117.01	119.97	117.17	110.40		2.84	2.79	2.77	2.76
207	Confectionery and related products.	86.46	85.14	86.18	83.28	80.98	2.24	2.20	2.16	2.13	2.12
2071	Candy and other confectionery products.		81.20	82.58	80.13	77.11		2.12	2.08	2.06	2.04
208	Beverages	116.64	116.93	114.97	114.95	112.72	2.88	2.88	2.86	2.79	2.79
2082	Malt liquors		152.18	149.85	147.78	144.80		3.73	3.70	3.64	3.62
2086	Bottled and canned soft drinks.		87.13	85.47	86.05	81.77		2.12	2.10	2.02	1.98
209	Miscellaneous food and kindred products.	102.06	99.84	99.54	97.86	96.28	2.43	2.40	2.37	2.33	2.32
21	Tobacco manufacturers	86.41	85.65	84.80	81.10	77.96	2.28	2.26	2.22	2.18	2.19
211	Cigarettes		103.72	102.80	96.72	94.17		2.68	2.67	2.60	2.58
212	Cigars		65.28	66.15	62.87	58.48		1.75	1.75	1.69	1.71
22	Textile mill products	81.64	79.90	81.22	76.54	75.03	1.93	1.94	1.92	1.84	1.83
221	Cotton broad woven fabrics	83.76	82.84	84.15	78.38	77.23	1.93	1.94	1.93	1.84	1.83
222	Silk and synthetic broad woven fabrics.	87.32	85.14	86.68	82.78	80.60	1.98	1.98	1.97	1.89	1.87

TABLE C-2.—*Gross hours and earnings of production workers, by industry*—Continued

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
223	Weaving and finishing broad woolens.	$89.76	$87.26	$87.23	$83.42	$82.18	$2.04	$2.02	$2.01	$1.94	$1.92
224	Narrow fabrics and smallwares	80.64	77.49	79.52	75.76	73.67	1.92	1.89	1.88	1.83	1.81
225	Knitting	72.68	68.81	70.98	67.55	65.60	1.84	1.83	1.82	1.75	1.74
2251	Women's full and knee length hosiery.		65.87	72.22	66.29	65.39		1.79	1.81	1.74	1.73
2252	All other hosiery		56.80	59.31	56.83	55.29		1.60	1.59	1.54	1.54
2253	Knit outerwear		73.63	73.89	72.57	69.19		1.99	1.96	1.88	1.87
2254	Knit underwear		66.56	67.60	63.53	62.54		1.72	1.72	1.65	1.65
226	Finishing textiles, except wool and knit.	90.92	92.19	91.94	84.77	81.56	2.09	2.10	2.08	1.99	1.97
227	Floor covering		79.95	81.60	76.63	77.15		1.95	1.92	1.86	1.85
228	Yarn and thread	76.50	76.32	76.79	72.25	71.15	1.80	1.80	1.79	1.70	1.69
229	Miscellaneous textile goods	92.45	91.59	91.38	86.11	84.05	2.16	2.15	2.13	2.06	2.05
23	Apparel and related products	68.44	67.51	69.37	65.52	63.72	1.87	1.87	1.88	1.80	1.79
231	Men's and boys' suits and coats	85.47	83.92	85.25	81.37	78.28	2.22	2.22	2.22	2.13	2.11
232	Men's and boys' furnishings	57.93	57.67	59.09	57.68	56.61	1.57	1.58	1.58	1.53	1.53
2321	Men's and boys' shirts and nightwear.		57.04	58.93	56.70	56.24		1.58	1.58	1.52	1.52
2327	Men's and boys' separate trousers.		58.46	60.04	58.14	57.68		1.58	1.58	1.53	1.53
2328	Work clothing		56.24	56.17	56.92	54.61		1.52	1.51	1.49	1.48
233	Women's misses', and juniors' outerwear.	71.40	70.99	73.28	66.84	65.86	2.04	2.04	2.07	1.96	1.96
2331	Women's blouses, waists, and shirts.		62.63	62.81	58.31	57.29		1.81	1.81	1.72	1.71
2335	Women's, misses', and juniors' dresses.		73.70	74.69	67.67	68.21		2.13	2.11	2.02	2.03
2337	Women's suits, skirts, and coats.		77.45	83.49	76.16	69.53		2.34	2.47	2.26	2.25
2339	Women's and misses' outerwear, not elsewhere classified.		64.58	66.15	62.24	61.90		1.75	1.75	1.71	1.71
234	Women's and children's undergarments.	63.30	61.39	63.07	59.50	57.21	1.72	1.71	1.70	1.63	1.63
2341	Women's and children's underwear.		58.03	60.64	56.83	54.64		1.63	1.63	1.57	1.57
2342	Corsets and allied garments		67.70	68.27	64.58	62.13		1.86	1.85	1.75	1.75
235	Hats, caps, and millinery		66.23	73.66	67.13	67.07		1.85	1.98	1.87	1.90
236	Girls' and children's outerwear	64.24	62.47	64.38	61.12	57.40	1.76	1.74	1.74	1.67	1.64
2361	Children's dresses, blouses, and shirts.		60.37	62.26	60.09	57.45		1.72	1.72	1.66	1.67
237, 238	Fur goods and miscellaneous apparel.		71.34	71.57	70.25	67.26		1.96	1.95	1.93	1.90
239	Miscellaneous fabricated textile products.	74.69	73.71	73.92	73.54	70.88	1.95	1.95	1.93	1.92	1.89
2391, 2392	Housefurnishings		62.87	65.40	60.72	59.86		1.69	1.69	1.65	1.64
26	Paper and allied products	119.30	117.50	116.91	112.66	109.72	2.73	2.72	2.70	2.62	2.60
261, 262, 266	Paper and pulp	135.00	132.91	131.72	127.11	123.52	3.00	2.98	2.96	2.85	2.82
263	Paperboard	142.13	141.52	136.96	130.34	125.12	3.05	3.05	3.01	2.89	2.85
264	Converted paper and paperboard products.	103.99	101.92	101.99	97.88	97.00	2.47	2.45	2.44	2.37	2.36
2643	Bags, except textile bags		96.64	97.63	90.63	90.72		2.34	2.33	2.26	2.24
265	Paperboard containers and boxes	107.78	105.34	107.10	102.41	98.66	2.53	2.52	2.52	2.45	2.43
2651, 2652	Folding and setup paperboard boxes.		92.63	95.17	91.58	87.74		2.31	2.31	2.25	2.21
2653	Corrugated and solid fiber boxes		114.48	114.84	110.59	105.47		2.67	2.64	2.59	2.56
27	Printing, publishing, and allied industries.	122.22	120.12	121.06	117.04	115.67	3.15	3.12	3.12	3.04	3.02
271	Newspaper publishing and printing.	124.87	122.38	119.60	120.15	116.71	3.44	3.39	3.35	3.31	3.26
272	Periodical publishing and printing		124.74	126.00	122.30	121.27		3.15	3.15	3.12	3.07
273	Books		112.05	114.36	110.12	108.09		2.70	2.71	2.66	2.63
275	Commercial printing	125.85	124.03	125.77	119.87	118.78	3.17	3.14	3.16	3.05	3.03
2751	Commerical printing, except litho.		119.81	121.52	115.71	115.41		3.08	3.10	2.99	2.99
2752	Commerical printing, lithographic.		130.73	132.84	127.66	125.33		3.22	3.24	3.16	3.11
278	Bookbinding and related industries.	94.92	93.65	94.95	92.28	90.09	2.44	2.42	2.41	2.36	2.34
274, 276, 277, 279	Other publishing and printing industries.	122.50	122.11	125.05	119.12	119.27	3.19	3.18	3.19	3.07	3.09
28	Chemicals and allied products	124.49	124.66	122.64	120.69	120.84	2.95	2.94	2.92	2.86	2.85
281	Industrial chemicals	137.61	139.68	137.76	135.24	138.88	3.30	3.31	3.28	3.22	3.26
2812	Alkalies and chlorine		135.62	133.40	131.84	137.85		3.26	3.23	3.20	3.29
2818	Industrial organic chemicals, not elsewhere classified.		150.15	147.13	143.06	148.26		3.50	3.47	3.39	3.44
2819	Industrial inorganic chemicals, not elsewhere classified.		132.99	132.89	131.46	135.46		3.22	3.21	3.16	3.21
282	Plastics materials and synthetics	124.12	125.70	122.09	120.13	122.11	2.90	2.93	2.90	2.82	2.82
2821	Plastics materials and resins		136.03	134.51	131.40	132.46		3.05	3.05	3.00	2.99
2823, 2824	Synthetic fibers		114.68	109.75	109.88	111.45		2.75	2.69	2.61	2.61
283	Drugs	112.88	111.93	111.93	106.60	104.12	2.76	2.73	2.73	2.60	2.59
2834	Pharmaceutical preparations		106.00	106.53	101.15	99.54		2.65	2.65	2.51	2.52
284	Soap, cleaners, and toilet goods	119.52	116.18	116.20	111.70	108.80	2.88	2.82	2.80	2.74	2.72
2841	Soap and detergents		143.30	140.19	132.19	130.09		3.42	3.33	3.24	3.22
2844	Toilet preparations		96.80	97.51	92.66	90.32		2.39	2.39	2.34	2.31
285	Paints, varnishes, and allied products.	120.70	117.74	115.23	115.06	111.24	2.84	2.81	2.77	2.72	2.70
287	Agricultural chemicals	108.03	108.35	106.48	105.11	104.09	2.39	2.33	2.33	2.30	2.21
2871, 2872	Fertilizers, complete and mixing only.		105.06	102.58	102.34	101.07		2.24	2.23	2.22	2.11
286.9	Other chemical products	119.42	118.43	115.62	116.20	115.23	2.85	2.84	2.82	2.76	2.75
29	Petroleum refining and related industries.	144.24	146.12	141.62	137.80	139.07	3.41	3.43	3.38	3.25	3.28
291	Petroleum refining	151.98	154.64	149.58	143.72	147.05	3.61	3.63	3.57	3.43	3.46
295, 299	Other petroleum and coal products.	118.96	116.14	111.87	116.33	108.94	2.76	2.72	2.67	2.62	2.60
30	Rubber and miscellaneous plastics products.	111.41	110.51	110.46	107.59	104.45	2.64	2.65	2.63	2.58	2.56
301	Tires and inner tubes		163.16	159.56	148.43	145.86		3.65	3.61	3.46	3.44
302, 303, 306	Other rubber products	107.01	104.14	105.57	102.75	99.54	2.56	2.54	2.55	2.50	2.47
307	Miscellaneous plastics products	93.79	92.25	92.96	91.52	88.91	2.26	2.25	2.24	2.20	2.19

TABLE C-2.—*Gross hours and earnings of production workers, by industry*—Continued

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
31	Leather and leather products	$74.69	$72.95	$73.92	$71.44	$69.56	$1.94	$1.93	$1.92	$1.88	$1.88
311	Leather tanning and finishing	103.16	101.43	101.52	99.42	96.93	2.51	2.48	2.47	2.39	2.37
314	Footwear, except rubber	72.19	69.94	71.05	68.25	66.61	1.88	1.87	1.86	1.82	1.82
312, 313, 315, 316, 317, 319	Other leather products	71.82	71.63	72.77	69.74	67.16	1.89	1.89	1.89	1.84	1.84
317	Handbags and personal leather goods.		67.52	69.91	66.05	63.01		1.82	1.83	1.79	1.79
	TRANSPORTATION AND PUBLIC UTILITIES										
4011	Railroad transportation: Class I railroads.				129.43	129.93				3.01	2.98
	Local and interurban passenger transit:										
411	Local and suburban transportation.		110.88	109.62	109.06	106.50		2.64	2.61	2.56	2.56
413	Intercity and rural buslines		143.42	131.77	130.94	128.40		3.18	3.13	3.01	3.00
42	Motor freight transportation and storage.		131.25	131.88	129.55	126.46		3.14	3.14	3.07	3.04
422	Public warehousing		93.53	92.98	91.49	92.51		2.38	2.36	2.34	2.36
46	Pipeline transportation		152.81	150.75	148.45	146.37		3.70	3.65	3.56	3.51
48	Communication		115.89	116.47	113.08	112.12		2.89	2.89	2.82	2.81
481	Telephone communication		111.08	111.63	107.87	106.66		2.77	2.77	2.69	2.68
4817	Switchboard operating employees.		83.90	82.63	82.80	80.15		2.28	2.27	2.25	2.19
4818	Line construction employees		153.32	156.05	149.63	150.30		3.43	3.46	3.37	3.37
482	Telegraph communication		124.85	124.26	122.24	120.53		2.89	2.91	2.81	2.79
483	Radio and television broadcasting		148.52	148.45	146.52	145.78		3.76	3.73	3.70	3.70
49	Electric, gas, and sanitary services		133.99	133.25	131.14	130.00		3.26	3.25	3.16	3.14
491	Electric companies and systems		135.88	136.29	133.22	132.07		3.29	3.30	3.21	3.19
492	Gas companies and systems		123.22	121.58	120.83	118.03		3.02	2.98	2.94	2.90
493	Combined utility systems		145.91	144.89	142.54	142.54		3.55	3.56	3.41	3.41
494, 495, 496, 497	Water, steam, and sanitary systems.		109.74	107.83	104.83	104.33		2.67	2.63	2.52	2.52

Source: Employment and Earnings and Monthly Report on the Labor Force, June 1966, U.S. Department of Labor, W. Willard Wirtz, Secretary.

NOTE.—Data for the 2 most recent months are preliminary.

Selected hourly wage rates for journeymen mechanics (excerpts from International Association of Machinists trucking labor contracts)

City and State	1965		1966		1967		Contract expires
	Date	Rate	Date	Rate	Date	Rate	
Akron, Ohio	July 1	$3.36					Mar. 15, 1967
Albuquerque, N. Mex	Aug. 1	3.28	Jan. 1	$3.33			Mar. 31, 1967
Allentown, Pa	Aug. 31	3.28	Aug. 31	3.36	Mar. 31	$3.46	Aug. 31, 1967
Baltimore, Md	Oct. 1	3.25	Oct. 1	3.37			Oct. 1, 1967
Billings, Mont	Aug. 1	3.30	Aug. 1	3.44			Aug. 1, 1967
Boston, Mass	Nov. 28	3.27	Dec. 27	3.43			July 1, 1967
Buffalo, N.Y	Aug. 1	3.345	Aug. 1	3.445			July 31, 1967
Butte, Mont	July 1	3.28	July 1	3.40	July 1	3.53	June 30, 1968
Chicago, Ill	Jan. 1	3.58	Jan. 1	3.76	Jan. 1	4.02	Dec. 31, 1968
Cincinnati, Ohio	Mar. 1	3.45	Mar. 1	3.55			June 1, 1967
Cleveland, Ohio	July 1	3.30	July 1	3.37			June 30, 1967
Columbus, Ohio	do	3.30	do	3.37			Do.
Detroit, Mich	Feb. 1	3.48	Feb. 1	3.58			Apr. 1, 1967
Des Moines, Iowa	Apr. 1	3.40	Apr. 1	3.51			Do.
El Paso, Tex	Jan. 1	3.40					
	July 1	3.55	May 1	3.68	May 1	3.82	May 1, 1968
Erie, Pa	Jan. 1	3.165	Jan. 1	3.265	Jan. 1	3.365	Jan. 1, 1966
Fresno, Calif	July 1	3.86	May 1	4.06	May 1	4.29	Apr. 30, 1968
Galesburg, Ill	May 1	3.51	do	3.61			Apr. 30, 1967
Kansas City, Kans	Feb. 1	3.23					
Los Angeles, Calif	July 1	3.86	May 1	4.01	May 1	4.16	Apr. 30, 1968
New England area	Nov. 1	3.10	Nov. 1	3.15	do	3.25	Oct. 31, 1967
Newark, N.J	July 1	3.15					July 1, 1966
New Castle, Pa	June 1	3.355	June 1	3.455			May 31, 1967
New York City, N.Y	Apr. 1	3.50	October 1966	3.645			Aug. 31, 1966
Oklahoma City, Okla	Feb. 1	3.29	Feb. 1	3.39			Apr. 1, 1967
Omaha, Nebr	Mar. 18	3.51	Mar. 18	3.61			Mar. 31, 1967
Peoria, Ill	Feb. 1	3.20	Feb. 1	3.30			Do.
Pittsburgh, Pa	do	3.42	do	3.52			Do.
Philadelphia, Pa	Feb. 17	3.27					Feb. 17, 1966
Phoenix, Ariz	July 1	3.55	May 1	3.68	May 1	3.82	Aug. 1, 1968
Portland, Oreg	May 1	3.40					May 1, 1965
Reading, Pa	Oct. 1	3.36	Oct. 1	3.46			Oct. 30, 1967
Sacramento, Calif	July 1	3.86	May 1	4.06	May 1	4.26	Apr. 30, 1968
San Francisco, Calif	do	3.86	do	4.06	do	4.26	Do.
St. Louis, Mo	May 16	3.08		3.08			May 15, 1968
Seattle, Wash	May 1	3.50	May 1	3.63	May 1	3.77	May 1, 1968
San Diego, Calif	July 1	3.86	do	4.01	do	4.16	Apr. 30, 1968
St. Paul, Minn	Feb. 1	3.46	Feb. 1	3.57			Apr. 1, 1967
Toledo, Ohio	July 1	3.42	July 1	3.52			Aug. 31, 1967
Wichita, Kans	Feb. 1	3.18	Jan. 1	3.28			Jan. 31, 1966
	Aug. 1	3.23					

Mr. MORSE. Mr. President, I am surprised, as I read newspapers, to read the impression created by some of these articles that the workers in this industry are an underpaid group of workers. They are not underpaid workers in comparison with wages prevailing in comparable industry generally. That does not mean they are not entitled to a wage increase. I have always said they are. It is a question of how much they are entitled to.

During the debate today, there has been much discussion by Senators who feel we should not pass any legislation at all because there is no national emergency. There cropped up in the several days of testimony or debate the statement that more defense goods had been moved since the strike started than before the strike.

There are two points to which I call attention. How many more defense goods would have been moved if there had not been a strike? Second, if the Air Force had not absorbed some of the shock of the strike, in my judgment the Defense Department could not be making any such statement. If the Government owned all the trains and all the telephone systems, there would not be a defense threat from possible stoppages in those services in the months and weeks ahead. We have a multimillion-dollar Air Force Establishment, and it has been able to take up some of the shock.

This union is entitled to the highest of praise for the cooperation it extended to the Defense Establishment in regard to servicing flights dealing with transportation for the Defense Establishment. It worked out with the Department of Labor and with the Defense Department an understanding in regard to this matter, and it has kept it. I highly commend the union for it. At the same time, I point out that our defense posture tonight would be much better if the strike had not occurred and the workers had continued to service the civilian planes in connection with defense transportation thus permitting the Air Force to use its flights for purposes other than those to which the Air Force planes have been put since the strike started.

Let us not forget that the taxpayers are paying an unknown amount of money to make certain that the Air Force takes care of any business that is presented to it that this strike has created that is not

taken care of by use of civilian planes still flying. We do not know how much that amount of money is, but I have been assured, when I have pressed officials who know, that it is considerable.

Another point in closing is that the joint resolution which was passed by the Congress on August 29, 1963, did deal with the railroad strike. That is the reason why the Congress stated in that resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no carrier which served the notices of November 2, 1959, and no labor organization which received such notices or served the labor organization notices of September 7, 1960, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by any of such notices, or engage in any strike or lockout over any dispute arising from any of such notices. Any action heretofore taken which would be prohibited by the foregoing sentence shall be forthwith rescinded and the status existing immediately prior to such action restored.

I ask unanimous consent that the entire joint resolution be printed at this point in the RECORD, because it is on the basis of that resolution that, in my judgment, Congress took an action even more drastic than the action of sending men back to work.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

THE 1963 RAILWAY WORK RULES LAW

(Public Law 88–108, 88th Congress, S. J. Res. 102, August 28, 1963)

[77 Stat. 132]

Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees

Whereas the labor dispute between the carriers represented by the Eastern, Western, and Southeastern Carriers' Conference Committees and certain of their employees represented by the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors and Brakemen, Brotherhood of Railroad Trainmen, and the Switchmen's Union of North America, labor organizations, threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

[45 USC 151]

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas, on August 2, 1963, the Secretary of Labor submitted to the carrier and organization representatives certain suggestions as a basis of negotiation for disposition of the fireman (helper) and crew consist issues in the dispute and thereupon through such negotiations tentative agreement was reached with respect to portions of such suggestions; and

Whereas, on August 16, 1963, the carrier parties to the dispute accepted and the organization parties to the dispute accepted with certain reservations the Secretary of Labor's suggestion that the fireman (helper) and crew consist issues be resolved by binding arbitration but the said parties have been unable to agree upon the terms and procedures of an arbitration agreement: Therefore be it

[Railroads, settlement of disputes]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no carrier which served the notices of November 2, 1959, and no labor organization which received such notices or served the labor organization notices of September 7, 1960, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by any of such notices, or engage in any strike or lockout over any dispute arising from any of such notices. Any action heretofore taken which would be prohibited by the foregoing sentence shall be forthwith rescinded and the status existing immediately prior to such action restored.

[Arbitration Board]

SEC. 2. There is hereby established an arbitration board to consist of seven members. The representatives of the carrier and organization parties to the aforesaid dispute are hereby directed, respectively, within five days after the enactment hereof each to name two persons to serve as members of such arbitration board. The four members thus chosen shall select three additional members. The seven members shall then elect a chairman. If the members chosen by the parties shall fail to name one or more of the additional three members within ten days, such additional members shall be named by the President. If either party fails to name a member or members to the arbitration board within the five days provided, the President shall name such member or members in lieu of such party and shall also name the additional three members necessary to constitute a board of seven members, all within ten days after the date of enactment of this joint resolution. Notwithstanding any other provision of law, the National Mediation Board is authorized and directed: (1) to compensate the arbitrators not named by the parties at a rate not in excess of $100 for each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this joint resolution.

SEC. 3. Promptly upon the completion of the naming of the arbitration board the Secretary of Labor shall furnish to the board and to the parties to the dispute copies of his statement to the parties of August 2, 1963, and the papers therewith submitted to the parties, together with memorandums and such other data as the board may request setting forth the matters with respect to which the parties were in tentative agreement and the extent of disagreement with respect to matters on which the parties were not in tentative agreement. The arbitration board shall make a decision, pursuant to the procedures hereinafter set forth, as to what disposition shall be made of those portions of the carriers' notices of November 2, 1959, identified as "Use of Firemen (Helpers) on Other Than Steam Power" and "Consist of Road and Yard Crews" and that portion of the organizations' notices of September 7, 1960, identified as "Minimum Safe Crew Consist" and implementing proposals pertaining thereto. The arbitration board shall incorporate in such decision any matters on which it finds the parties were in agreement, shall resolve the matters on which the parties were not in agreement, and shall, in making its award, give due consideration to those matters on which the parties were in tentative agreement. Such award shall be binding on both the carrier and organization parties to the dispute and shall constitute a complete and final disposition of the aforesaid issues covered by the decision of the board of arbitration.

[44 Stat. 582–585. 45 USC 157, 158, 159]

SEC. 4. To the extent not inconsistent with this joint resolution the arbitration shall be conducted pursuant to sections 7 and 8 of the Railway Labor Act, the board's award shall be made and filed as provided in said sections and shall be subject to section 9 of said Act. The United States District Court for the District of Columbia is hereby designated as the court in which the award is to be filed, and the arbitration board shall report to the National Mediation Board in the same manner as arbitration boards functioning pursuant to the Railway Labor Act. The award shall continue in force for such period as the arbitration board shall determine in its award, but not to exceed two years from the date the award takes effect, unless the parties agree otherwise.

[Hearings]

SEC. 5. The arbitration board shall begin its hearings thirty days after the enactment of this joint resolution or on such earlier date as the parties to the dispute and the board may agree upon and shall make and file its award not later than ninety days after the enactment of this joint resolution: *Provided, however,* That said award shall not become effective until sixty days after the filing of the award.

SEC. 6. The parties to the disputes arising from the aforesaid notices shall immediately resume collective bargaining with respect to all issues raised in the notices of November 2, 1959, and September 7, 1960, not to be disposed of by arbitration under section 3 of this joint resolution and shall exert every reasonable effort to resolve such issues by agreement. The Secretary of Labor and the National Mediation Board are hereby directed to give all reasonable assistance to the parties and to engage in mediatory action toward promoting such agreement.

SEC. 7. (a) In making any award under this joint resolution the arbitration board established under section 2 shall give due consideration to the effect of the proposed award upon adequate and safe transportation service to the public and upon the interests of the carrier and employees affected, giving due consideration to the narrowing of the areas of disagreement which has been accomplished in bargaining and mediation.

(b) The obligations imposed by this joint resolution, upon suit by the Attorney General, shall be enforcible through such orders as may be necessary by any court of the United States having jurisdiction of any of the parties.

[Expiration date]

SEC. 8. This joint resolution shall expire one hundred and eighty days after the enactment, except that it shall remain in effect with respect to the last sentence of section 4 for the period prescribed in that sentence.

SEC. 9. If any provision of this joint resolution or the application thereof is held invalid, the remainder of this joint resolution and the application of such provision to other parties or in other circumstances not held invalid shall not be affected thereby.

Approved August 28, 1963.

LEGISLATIVE HISTORY

House Report No. 713 accompanying H.J. Res. 665 (Comm. on Interstate & Foreign Commerce).

Senate Report No. 459 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 109 (1963):

Aug. 26: Considered in Senate.

Aug. 27: Considered and passed Senate.

Aug. 28: Considered and passed House in lieu of H.J. Res. 665.

Mr. MORSE. This was an action to prevent men from stopping work. This was an action even ahead of the strike stage. Section 8 of the joint resolution provides:

> This joint resolution shall expire one hundred and eighty days after the date of its enactment, except that it shall remain in effect with respect to the last sentence of section 4 for the period prescribed in that sentence.

That sentence reads as follows, speaking of the award:

> The award shall continue in force for such period as the arbitration board shall determine in its award, but not to exceed two years from the date the award takes effect, unless the parties agree otherwise.

That is quite a drastic resolution. It is an interesting precedent that the Senator from Oregon cites in support of the major principle of his own resolution.

I am sorry that it was necessary to take this amount of time, but I felt that the RECORD ought to be made tonight so that it will be available to Senators tomorrow.

Mr. CLARK. Mr. President, the hour is late.

I do not intend to reply tonight to what the Senator from Oregon and the Senator from Louisiana have said. To the extent that it may be necessary, I shall be prepared to speak tomorrow.

For the moment, I feel compelled by the action of the Senator from Louisiana in placing in the RECORD a letter from the Attorney General to say that, in my opinion and in the opinion of many other lawyers in the Senate, no serious legal or constitutional issue is involved. The Attorney General raised constitutional and legal issues, and this merely creates a smokescreen that obscures the real problem. In the end, the issue between the majority of the committee and the Senator from Oregon boiled down to a question of good government and political judgment as to which method was preferable.

I have advanced my own reasons earlier as to why I think the committee resolution is preferable to that of the Senator from Oregon. I have no desire to repeat them now.

I would hope that in accordance with the order heretofore entered, the Senate might stand in adjournment until 11 o'clock tomorrow morning.

Mr. LONG of Louisiana. Mr. President, will the Senator withhold that for a moment?

Mr. CLARK. I am happy to withdraw it for the time being.

Mr. LONG of Louisiana. Mr. President, lawyers differ about many things. As a lawyer, I find myself sometimes thinking of a statement that the majority leader [Mr. MANSFIELD] once made. Senator MANSFIELD is not a lawyer; and when he has heard lawyers debate back and forth over a long period of time on some technical point of law, he has said that his best understanding about lawyers is that in every lawsuit you have lawyers on both sides; one side wins and the other side loses; so his impression is that the average lawyer is right 50 percent of the time.

I, of course, have a high regard for the legal talents of the Senator from Pennsylvania. I have a high regard for the talents of the Senator from Oregon, who was one of the great law school deans of the country prior to coming to the Senate. The Senator from Oregon has had much experience in the labor field, and I would say, as one who is a lawyer of sorts and has practiced some government law, I yield to those who are professionals in the labor field on a matter of this sort.

I do not know what experience the Senator from Pennsylvania may have had in this field; but generally speaking, Mr. President, it has been my opinion that the Attorney General is a very good lawyer, and he has some extremely able lawyers available to work with and advise him in this field. I would say that if I were seeking a sound opinion from someone on a matter of this sort, the opinion of the Attorney General would rate very high, in my judgment.

The Senator from Oregon is also a very experienced student and teacher of the law. In the labor relations field he has been eminent.

I should say, Mr. President, that while every Senator is entitled to have the highest regard for his own opinion, I would not lightly dismiss the opinion of the Attorney General of the United States and the opinion of the senior Senator from Oregon on a matter such as this, where both of them have great experience and, in my judgment, great talent in the field.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 10220) for the relief of Abdul Wohabe.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 7028. An act to provide compensation to the Crow Tribe of Indians, Montana, for certain lands, for the validation of titles of those lands, and for other purposes;

H.R. 7973. An act to amend section 4339 of title 10, United States Code;

H.R. 8000. An act to amend the Ship Mortgage Act, 1920, relating to fees for certification of certain documents, and for other purposes;

H.R. 11979. An act to make permanent the act of May 22, 1965, authorizing the payment of special allowances to dependents of members of the uniformed service to offset expenses incident to their evacuation, and for other purposes;

H.R. 11984. An act to amend section 701 of title 10, United States Code, to authorize additional accumulation of leave in certain foreign areas;

H.R. 12596. An act to amend the Immigration and Nationality Act, as amended;

H.R. 13982. An act to amend the act of August 14, 1964, to authorize payments of any amounts authorized under the act to the estate of persons who would have been eligible for payments under the authority of the act, and for other purposes;

H.R. 14075. An act to authorize the Secretary of Commerce to settle and pay certain claims arising out of the taking of the 1960 decennial census;

H.R. 14615. An act for the relief of certain members and former members of the Army on whose behalf erroneous payments were made for storage of household goods;

H.R. 15485. An act to authorize the exchange of certain fluorspar and ferromanganese held in the national and supplemental stockpiles;

H.R. 15748. An act to amend title 10, United States Code, to authorize a special 30-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area;

H.R. 16074. An act to cancel certain unpaid interest accrued after September 30, 1931, on loans made to World War I veterans upon the security of adjusted-service certificates;

H.J. Res. 561. Joint resolution to authorize the Secretary of the Army to furnish memorial headstones or markers to commemorate those civilians who lost their lives aboard the submarine U.S.S. *Thresher*; and

H.J. Res. 810. Joint resolution to authorize the President to proclaim the 8th day of September 1966 as "International Literacy Day."

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 7028. An act to provide compensation to the Crow Tribe of Indians, Montana, for certain lands, for the validation of titles of those lands, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7973. An act to amend section 4339 of title 10, United States Code;

H.R. 11979. An act to make permanent the act of May 22, 1965, authorizing the payment of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes;

H.R. 11984. An act to amend section 701 of title 10, United States Code, to authorize additional accumulation of leave in certain foreign areas;

H.R. 15485. An act to authorize the exchange of certain fluorspar and ferromanganese held in the national and supplemental stockpiles;

H.R. 15748. An act to amend title 10, United States Code, to authorize a special 30-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area; and

H.J. Res. 561. Joint resolution to authorize the Secretary of the Army to furnish memorial headstones or markers to commemorate those civilians who lost their lives aboard the submarine U.S.S. *Thresher*; to the Committee on the Armed Services.

H.R. 8000. An act to amend the Ship Mortgage Act, 1920, relating to fees for certification of certain documents, and for other purposes; to the Committee on Commerce.

H.R. 12596. An act to amend the Immigration and Nationality Act, as amended;

H.R. 13982. An act to amend the act of August 14, 1964, to authorize payments of any amounts authorized under the act to the estate of persons who would have been eligible for payments under the authority of the act, and for other purposes;

H.R. 14075. An act to authorize the Secretary of Commerce to settle and pay certain claims arising out of the taking of the 1960 decennial census;

H.R. 14615. An act for the relief of certain members and former members of the Army on whose behalf erroneous payments were made for storage of household goods;

H.R. 16074. An act to cancel certain unpaid interest accrued after September 30, 1931, on loans made to World War I veterans upon the security of adjusted-service certificates; and

H.J. Res. 810. Joint Resolution to authorize the President to proclaim the 8th day of September 1966 as "International Literacy Day": to the Committee on the Judiciary.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order heretofore entered, that the Senate adjourn until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 45 minutes p.m.) the Senate adjourned until 11 o'clock a.m., Wednesday, August 3, 1966.

NOMINATIONS

Executive nominations received by the Senate August 2, 1966:

IN THE AIR FORCE

Marsene E. Adkisson, FR34673, for reappointment to the active list of the Regular Air Force, in the grade of lieutenant colonel, from the temporary disability retired list, under the provisions of sections 1210 and 1211, title 10, United States Code.

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be prescribed by the Secretary of the Air Force:

To be captain, USAF (Medical)

Robert S. Demski, FV3126109.

To be captain, USAF (Dental)

Richard A. Gallagher, FV3140460.

To be first lieutenants, USAF (Dental)

James L. Bowman, FV3142061.
John W. Nehls, Jr., FV3165753.
Paul C. Doran, FV3141533.
Kenneth L. Roehrig, FV3142321.

The following distinguished graduates of the Air Force precommissioned schools for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Charles J. Abbe, FV3160420.
Frederic L. Abrams, FV3177377.
John W. Adams, FV3172214.
Bruce D. Allen, FV3183795.
Mervin B. Allen, FV3162834.
Martin G. Anderson, FV3183796.
Lawrence A. Ankeney, FV3175861.
Edward L. Arnn, Jr., FV3159580.
Karl Auerbach, FV3174225.
Jon P. Bachelder, FV3160996.
John W. Bandy, FV3170928.
John B. Barham, FV3159199.
Richard L. Bartels, FV3175729.
James B. Barton, FV3173013.
John W. Beasley, FV3176371.
Scott W. Beckwith, FV3162232.
Robert E. Bennett, FV3173610.
David W. Blakely, FV3162565.
Samuel J. Bowden, FV3183800.
George V. Boyd III, FV3174738.
John A. Boyd, FV3175555.
Paul H. Bragaw, FV3159382.
James H. Brittingham, FV3162980.
Wesley H. Broers, FV3158508.
Nelson C. Brown, FV3176911.
John F. Bubel, FV3174526.
James P. Buchanan, FV3162238.
Daniel R. Burchfield, FV3163510.
William E. Burrows, FV3172294.
John A. Caffo, FV3171671.
Lawrence J. Cahill, FV3174077.
Von A. Campbell, FV3179210.
Ralph J. Capio, FV3174079.
William L. Cesarotti, FV3172203.
Michael A. Ciolli, FV316217.
Alan B. Cirino, FV3171306.
Warren E. Cockerham, FV319204.
Sebastian Coglitore, FV3174177.
Peter Conforti, FV3179188.
Richard Coullahan, FV3174178.
Kenneth E. Cox, FV3183801.
Gary L. Curtin, FV3173179.
Arthur D. Daub, FV3172495.
Bobby G. Davis, FV3183803.
John S. Davis, FV3159205.
William W. Davis, FV3173944.
Richard A. Devoss, FV3173180.
David M. Dirks, FV3134217.
Gary R. Ebert, FV3177367.
Edgar C. Edwards, FV3160072.
William V. Edwards, FV3161250.
Timm G. Engh, FV3183804.
John J. Ezell, FV3162383.
Jack S. Fenster, FV3158224.
William D. Fields III, FV3171933.
John M. Florell, FV3172790.
Joseph V. Florini, FFV3133965.
Richard E. Ford, FV3172498.
Thomas W. Forehand, FV3183806.
Alan M. Forker, FV3172664.
James A. Freeman, FV3171599.
Phillip M. Friday, FV3178987.
Robert C. Fuge, FV3174231.
Lewis B. Gaines, FV3172921.
Brian W. Galusha, FV3174408.
Manuel W. Garrido, FV3174187.
Samuel R. Gaston, FV3162578.
John D. German, Jr., FV3177203.
Sidney C. Gibson, FV3183807.
Ronald A. Gieleghem, FV3173492.
Benjamin J. Giles, FV3157319.
Joseph K. Gill, FV3174542.
Orest R. Gogosha, FV3174486.
Richard A. Goodwin, FV3174021.
Howard M. Goodwyn, Jr., FV3154490.
Leon M. Gopon, FV3158532.
John B. Gordon, FV3172372.
Wade A. Greer, FV3176620.
James R. Grigsby, FV3171047.
David M. Grimm, FV3173434.
Robert K. Gross, FV3173562.
Donald L. Hall, Jr., FV3179141.
Stephen E. Harrison, FV3159411.
Gary T. Hawes, FV3176759.
Lee M. Hazel, FV3183811.
Wayne R. Heinke, FV3172503.
Earl D. Henderson, FV3183813.
Arthur K. Hendrick, FV3183814.
Peter M. Hendricks, FV3172454.
James L. Hendrickson, FV3175131.
Dennis C. Hermerding, FV3176274.
John C. Heuss, FV3174593.
Douglas W. Hill, FV3157705.
Terry S. Hoag, FV3158486.
Gerald R. Holladay, FV3183815.
Claude F. Hough III, FV3175564.
Richard A. House II, FV3171230.
Harold E. Howell, FV3183816.
Jack D. Howell, FFV3163517.
Robert F. Jobe, FV3171050.
Gerald L. Jones, FV3183818.
Johnnie Kemp, FV3176455.
David J. Kilpatrick, FV3177423.
James T. Kindle, FV3160212.
Oscar W. King, FV3158054.
Jerry G. Klinko, FV3171142.
Ronald D. Langlas, FV3172678.
John T. Large, FV3183842.
Charles T. Larue, Jr., FV3176281.
Robert G. Leadbitter, FV3177309.
Douglas L. Leavens, FV3174594.
Robert L. Leboeuf, FV3179206.
Jamie R. Little, FV3173716.
Daniel W. Litwhiler, FV3158171.
Harold E. Livings, FV3174415.
Gerald J. Lopez, FV3176027.
John S. Lowry III, FV3171008.
Milton A. Magaw, FV3174115.
Gary J. Magnusson, FV3174116.
Frederic J. Maley, FV3159339.
Robert C. Marcan, FV3171314.
Phil S. Martin, FV3175569.
William M. Martin, Jr., FV3174639.
Martin R. McAulay, FV3171146.
Ronald A. McBride, FV3172076.
Roland J. McDonald, FV3173545.
William R. McFadden, FV3172960.
William B. McKelvey, FV3175077.
Robert M. McWhorter, FV3174712.
Richard G. Meck, FV3171512.
Robert A. Meyer, FV3175290.
Douglas A. Milbury, FV3174418.
Barry A. Miller, FV3176394.
Kent G. Miller, FV3176547.
Norman A. Mingle, FV3174642.
Gary L. Mitchell, FV3173854.
Joseph A. Mitchell, FV3170746.
Stephen J. Mitchell, FV3174643.
William A. Mitchell, FV3176651.
Carroll E. Mizelle, FV3178975.
Thomas N. Moe, FV3175200.
David M. Morrison, FV3175837.
Wendell F. Moseley, Jr., FV3176707.
David J. Moss, FV3175431.
Gene P. Neely, FV3173906.
Donald J. Neese, FV3183827.
George E. Nelson, FV3183828.
Norman S. Newhouse, FV3179131.
James G. Nicholas, FV3174128.
William C. Oberlin, FV3172548.
William J. O'Neill, FV3172472.
Wesley E. Parks, FV3176859.
Clifford L. Pate, FV3183829.
Roger G. Patrick, FV3173966.
Michael L. Patton, FV3172264.
Dennis A. Piermarini, FV3178980.
William Popendorf, FV3171354.
Stephen G. Porter, FV3179149.
Bronislaw Prokuski, Jr., FV3160563.
Thomas Radziewicz, FV3174138.
Barry J. Rapalas, FV3171016.
George A. Repasy, FV3171232.
Franklin M. Ridenour, FV3173061.
Kenneth A. Rivers, FV3174212.
Kenneth L. Roberts, FV3170966.
Albert E. Rodriguez, FV3173500.
William V. Rogers, FV3160991.
William G. Rohde, FV3172817.
Johnny W. Roquemore, FV3170752.
Richard L. Rose, FV3177179.
Gary C. Ross, FV3173152.
Richard H. Rossmiller, FV3172551.
William J. Ruddell, FV3172333.
Jay D. Ruzak, FV3171360.
Thomas E. Ruzzo, FV3172418.
Terry Sao, FV3177181.
Lawrence E. Sawler, FV3173154.
Charles P. Saxer, FV3171018.
Edward J. Schur, FV3174152.
Barry P. Scott, FV3175579.
Robert J. Selter, FV3172636.
Robert E. Setlow, FV3177092.
Dennis A. Sevakis, FV3173504.
George F. Shaw, FV3155933.
George W. Shell, FV3158064.
James E. Sherrard III, FV3173729.

Carlan W. Silha, FV3172050.
James R. Sloan, FV3177105.
William E. Smith, FV3158818.
William R. Sneddon, FV3183831.
Joseph A. L. Soulia, FV3183832.
William F. Spitzer, FV3175240.
William E. Stanfill, FV3159172.
Richard P. Stead, FV3175514.
Jackie L. Stopkotte, FV3183833.
Daniel E. Stribling, FV3176688.
Errol G. Stump, FV3175347.
Ellison Summerfield, FV3177217.
Robert Taiclet, FV3178892.
Eugene L. Tattini, FV3177388.
Charles H. Tracy, FV3183834.
Bobby D. Taylor, FV3174726.
Earl A. Tonjes, FV3174981.
John P. Tonkinson, FV3174161.
Theodore L. Tower, FV3173476.
Paul E. Tyler, FV3183841.
Leon G. Vandevender, FV3173686.
James Vanlare, FV3174507.
Nicholas C. Varney, FV3177364.
Michael J. Weppner, FV3172486.
Durren L. Westbrooke, FV3183763.
Thomas J. Westerman, FV3173808.
David J. Westfall, FV3161245.
John T. Whaley, FV3176403.
Anthony N. White, FV3161410.
Henry C. Willener, FV3161462.
Edward D. Willette, FV3183837.
David J. Willoughby, FV3172640.
Bennie J. Wilson, FV3171157.
Donald H. Wolber, FV3172441.
James H. Wood, FV3176141.
John A. Zaloudek, FV3134141.
James L. Zartman, FV3176829.
David M. Zieff, FV3160581.
Jaul J. Zwolinski, FV3175973.

Subject to medical qualification and subject to designation as distinguished graduates, the following students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provision of section 2106, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Robert E. Allison, Jr.	George W. Hazlett
Robert C. Allphin, Jr.	Harold E. Heater
Lee S. Altpeter	Robert A. Hendrix
Alden H. Armentrout	William C. Henny
Palmer G. Arnold	James L. Horton, Jr.
Robert B. Barnes	James B. Houston
David W. Barton	Bernard A. James
Robert L. Bennett	Bradford P. Johnson
William H. Block	Donald L. Krump
James E. Bohlen	Frederick E. Lackey
Ralph H. Boswell	Richard C. Lemon
Jon E. Bouwhuis	Eugene M. Loffbour-
William B. Brackin, Jr.	row, Jr.
Ronald L. Bruce	William N. Manning
George M. Burnup	Michael S. McAllister
Stanley J. Bury	Danny L. Mencke
Frederick W. Butler	Charles L. Miller, Jr.
John P. Cable	John W. Miller
Curtis S. Carlson	William P. Miller III
James G. Chickles	Marcus M. Mullis
Robert A. Coulter	Dennis J. Murphy
Bruce T. Cowee	John R. Niles
James P. Crumley, Jr.	Leonard J. Otten III
Frederich C. Damm	Ronald L. Paxson
Otha B. Davenport	Dennis W. Rabe
Robert I. Davis	Alfred J. Ramsey
Roger S. Dong	David B. Reuber
James H. Doolittle III	Michael C. Saunders
Timothy R. Eby	William D. Schmeizer
William H. Edwards II	Richard L. Schoff
James C. Elliott	Robert G. Sims
Donald L. Ellis	Benjamin D. Smith
Nathan F. Fulcher, Jr.	William D. Smith
Robert W. Gallon	Ronald D. Stafford
Richard A. Garrett	Richard H. Swasey
Frank W. Gayer	Franklyn Tauzel
Marlin H. Golnitz	Thomas L. Terrell
Howard W. Guiles	Ra D. Weaver
Claudie A. Hamilton	Henry D. Webb, Jr.
Nicholas D. Hanks	Joseph W. Widhalm
Robert M. Hargett	

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonels

Cortez, James J., O53277.
Sydnor, William D., Jr., O32618.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel, Medical Corps

Schwamb, Halbert H., O67954.

To be lieutenant colonel, Medical Service Corps

Kinney, Charles R., O38566.

To be majors

Doerer, Richard C., OF106098.
Lotz, Alvin W., OF106176.
Thoreson, Dale B., O67477.

To be major, Medical Service Corps

Paradise, Leo J., O73110.

To be captains, Medical Corps

Pastore, Robert A., OF105788.
Stafford, Chester T., OF105831.
Warden, David R., OF105577.
Wilson, Don E., OF106256.
Wurster, John C., OF105884.

To be captains, Dental Corps

Beatty, Edward J., OF106055.
Edington, Dodd E., OF105663.
Wehmeyer, Thomas E., OF106254.

To be captain, Medical Service Corps

Riordan, Michael W., O83442.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenants

Adamick, Donald H., O99124.
Adams, Donald L., Jr., O97375.
Adams, Jack E., O98571.
Adams, Peter D., O98572.
Adkins, Steven M., O97379.
Alakulppi, Vesa J., O98573.
Alexander, William, O98574.
Alger, Terrence F., O98575.
Allen, Glenn R., O97380.
Allen, Harold F., O98002.
Allen, Jonathan W., O98576.
Allen, Michael B., O98577.
Almaguer, Joseph A., O98578.
Anastas, John M., O98003.
Andersen, Jerome R., O98579.
Andersen, Ronald J., O98004.
Anderson, Don W., O97382.
Anderson, Lawrence, O98580.
Anderson, Randall J., O98006.
Anderson, Robert L., O98330.
Andre, David J., O98007.
Andrean, Charles M., OF104369.
Andrews, James H., O97383.
Angle, Thomas L., O97384.
Arbogast, Gordon W., O98581.
Armogida, James A., O98582.
Armstrong, Donald G., O98583.
Armstrong, Lester F., O98360.
Aronson, Stephen M., O97385.
Arrington, Theron R., O98010.
Asbury, Lloyd T., O98584.
Aufdemberge, Robert, O98013.
Bagby, Durwood R., O98585.
Baker, Alfred W., O98014.
Balady, Salim J., O98349.
Ballard, Clark T., O98586.
Banks, Edgar, Jr., O98587.
Barber, Duane D., O97386.
Barger, Walter K., O98103.
Barnett, William A., O97388.
Barron, Max R., O98588.
Barron, William M., O98366.
Barry, David A., Jr., OF102808.
Barry Michael J., O98589.
Bartee, William F., O97400.
Bassett, Byron E., O98590.
Baucum, William N., O98591.
Bauer, Frank L., O98369.
Baumann, Bruce W., O98018.
Baumgarten, John R., OF104372.
Beach, Karl L., O98592.
Beatty, Norman E., O98593.
Beatty, Phillip M., O97391.
Becker, James W., O97392.
Beitz, James E., O97394.
Bell, Clarence D., Jr., O98020.
Bell, John P., O98594.
Bennett, Jerry C., O98021.
Benson, Phillip E., O96316.
Bentson, Peter M., O98595.
Bentz, George H., O98596.
Benware, Marshall G., O97398.
Best, Stephen J., O98597.
Best, Thomas W., O97411.
Betaque, Norman E., O98598.
Bishop, Alexius O., O98022.
Bisio, Carl A., O97402.
Bitter, David D., O98023.
Bivens, Rodger M., O98599.
Blackgrove, Joseph, O98600.
Blackwell, Eugene B., O98601.
Blackwell, James L., O98602.
Bleam, William D., O98024.
Boberg, Walter W., O98375.
Boehlke, Robert J., O98603.
Boesch, Carl R., O97409.
Boice, William M., O98604.
Bollman, Allen R., O97705.
Bolt, William J., OF105629.
Borden, Donald F., O97413.
Born, Howard P., O97412.
Bosma, Phillip H., O98606.
Bowes, Robert S., III, O98607.
Boyle, Michael J., O98608.
Bradford, John D., O99134.
Brady, Edward C., O98609.
Bragg, Thomas B., O98381.
Brant, Arthur S., O98028.
Braun, Sidney J., O98382.
Brendle, Thomas M., O98610.
Brennan, Thomas R., O98611.
Brett, Thomas H., O97417.
Brewer, Thomas A., O99136.
Briggs, Donald T. E., OF101181.
Briggs, Joseph, O97419.
Brinkley, Harley L., O99137.
Brobeil, Francis G., O97420.
Brodie, Craig E., O97421.
Brown, Gerald A., O98385.
Brown, Noel A., O98614.
Brown, Ralph P., O98615.
Brown, Robert E., Jr., O98616.
Brown, William R., Jr., O98617.
Brownback, Paul T., O98618.
Bruce, Robert, O98619.
Brunner, Harry J., Jr., O97860.
Bryan, Edward R., O98251.
Bryant, Thomas, O98386.
Buchheim, Steven O., O98620.
Buckley, Peter J., O98621.
Bugielski, Dennis E., O97430.
Bunting, Josiah, III, O98040.
Burke, Peter P., O98387.
Butler, Johnny M., O99140.
Butts, Melvin A., O97433.
Byard, Johnny R., O99141.
Byrne, Donald G., O98622.
Byrns, John W., O98623.
Cademartori, James, O97434.
Cady, Donald F., O98054.
Caldwell, Marion L., O98043.
Cannaliato, Vincent, O97437.
Cannon, Hoyt E., Jr., O98388.
Capps, Larry R., O98625.
Carey, Spencer V., OF104386.
Cargile, Eugene D., O98626.
Carlson, Albert E., O99143.
Carmouche, Joseph M., O99142.
Carney, Thomas P., O98627.
Carns, Edwin H. J., Jr., O98628.
Carr, Peter H., O97443.
Carroll, Bartlett J., O98063.
Cartland, John C., Jr., O97446.

Casey, Thomas E., O98629.
Castleberry, Pierce, O98390.
Cawley, Thomas J., O98047.
Caywood, James R., O98630.
Cebula, Joseph A., OF101051.
Chambers, James E., O98392.
Chapman, Alan A., O98631.
Chase, Jack S., O98632.
Chavey, Robert G., O97451.
Cheal, Arnold E., O99145.
Chester, James T., Jr., O97452.
Chickedantz, Carle, O98633.
Childers, Stephen A., O98634.
Chinen, Paul Y., O97453.
Chrisman, Ronald G., O98635.
Christensen, Allen, O98636.
Christian, Stephen, O98393.
Church, Billy R., O99146.
Cianfrocca, Gerald, O97456.
Cibik, Dennis M., O98394.
Ciz-Madia, Joseph, O98395.
Clark, Allen B., Jr., O98637.
Clark, William N., O98638.
Clarke, Warren E., O97458.
Clay, Michael A., O98639.
Clement, James F., O97459.
Clifford, David M., O98052.
Clinton, Roy J., O98640.
Cochran, Larry W., O98396.
Coe, Gary Q., O98641.
Coker, Fletcher C., Jr., OF105359.
Colavita, Henry J., O99147.
Cole, Dave L., O98642.
Cole, Richard B., O98643.
Coley, John H., III, O99148.
Collins, Jon D., O98397.
Conlon, Arthur F., O98645.
Conrad, Donald H., O98646.
Conti, Thomas L., O98056.
Cook, Alan W., O98051.
Cook, Lyndol L., O98647.
Cook, Robert L., O97463.
Cooke, David P., O98399.
Cooke, William J., Jr., O98648.
Coomer, William O., O98649.
Cooper, David E. K., O98400.
Copeland, Keith E., O97464.
Cornfoot, James L., O98650.
Corrigan, Robert E., O99551.
Cosby, James W., O98060.
Coulson, Robert T., O98651.
Counts, John E., O98652.
Cowgill, Parker J., O98653.
Crocker, David L., O97471.
Crouch, William W., O99150.
Crumpler, William B., O98654.
Crysler, John D., O97473.
Cummings, Frederick, O98655.
Cunis, Charles L., O97476.
Cunningham, Alden M., O98656.
Cunningham, Frank, O98066.
Cunningham, Michael, O98657.
Curtis, Charles C., O98658.
Cushing, Kerry B. M., OF105370.
Czajkowski, Lawrence, O98100.
Dalia, Jeffrey L., O98659.
Dalton, Thomas W. Jr., O98402.
Daniels, James E., O98660.
Davenport, George W., O98661.
David, James R., O98067.
Davidson, Harold A., O97482.
Davidson, Joe W., O99152.
Davidson, Sam R., O98662.
Davis, Dennis C., O97483.
Davis, Jack S. Jr., O98663.
Davis, James L. Jr., O98069.
Davis, Larry L., O97484.
Davis, Robert J., O98664.
Day, Doel D., O99113.
De Caro, Francis R., O97580.
De Graff, George C., O98665.
De Maret, Will E., O98666.
De Smet, Dennis A., O98667.
De Wire, James E., O98668.
Dean, Lloyd E., O97487.
Deka, David J., O99449.
Demarest, Alfred A., O98072.
Demchuk, Daniel, O98669.
Des Reis, Richard W., O97492.
Desko, Alexander W., O97704.
Di Eduardo, Joseph, OF103820.
Di Franco, Salvatore, O99154.
Dickey, James S., O98670.
Dickson, Harry R., O98671.
Dippman, James C. O97737.
Dixon, James E., O97494.
Dodge, Ira D. III, O98076.
Doering, Archie M., O97741.
Doherty, James E., O98672.
Dolighan, Thomas A., O98673.
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Stahl, Steven P., O98961.
Stamey, Victor E., O98549.
Stanley, Paul D., O98962.
Steiner, Frederick, OF105832.
Steadman, Kenneth A., O98550.
Steele, Robert M., O98963.
Steinig, Ronald D., O98964.
Stennis, William H., O98965.
Sterrett, John D., O98298.
Stevens, Pat M. IV, O98966.
Stewart, Charles W., O98967.
Stidham, Robert J., O98968.
Stiner, Tommy C., O99258.
Stoesser, Joel W., O98306.
Stonehouse, Gerald, O98969.
Stotski, Chester J., O99259.
Stratton, John W., O97805.
Strauss, Robert E., O98300.
Stribling, Roger W., O98970.
Strickland, David S., OF104554.
Strommer, Mathias A., O98551.
Struble, Daniel O., O98971.
Stryker, James W., O98972.
Stuart, Raymond W., O97806.
Sturbois, Louis J., O98973.
Sturges, Scott L., O98154.
Suddick, Robert A., O97809.
Sullivan, Bloomer D., O99262.
Sullivan, Gerard A., O97810.
Sullivan, John E., O97811.
Sullivan, John P., O97812.
Sullivan, Terrence, O97813.
Summers, Michael H., O98974.
Surgent, Joseph R., O97814.
Sutton, Paul D., O98975.
Swan, Alfred W., Jr., O97550.
Swenson, William E., O97816.
Swisher, Arthur H., O98976.
Taft, John M., O98303.
Tagliaferi, Frederick, O99263.
Taillie, Dennis K., O98977.
Takata, Alvin M., O98304.
Talbott, Charlie Y., O98305.
Tames, Robert G., OF103912.
Tate, Christopher P., O98978.
Taylor, Archie B., Jr., O97820.
Taylor, James D., O99193.
Terry, Elbridge W., O98555.
Tezak, Edward G., O98979.
Thomas, James M., O97823.
Thomas, Michael T., O98308.
Thomas, Ronald W., O97824.
Thompson, Leon G., O98980.
Thompson, Tommy R., O98981.
Thomson, Alexander, O98982.
Thorlin, Philip S., O98983.
Tierney, William J., O97827.
Tilelli, John H., Jr., O98309.
Tilson, James G., O99265.
Tiwanak, Eugene N., O98181.
Tomita, Ralph S., OF105847.
Tomlin, James E., O97829.
Tracz, William J., OF103915.
Travis, James O., O97831.
Trucksa, Robert C., O98984.
Tubb, Albert H., O98491.
Turpin, William C., O98985.
Tyler, Tyron S., O98986.
Tyner, Harris W., O99266.
Uyenoyama, Dennis H., O98315.

Vail, John S., O98192.
Van Zant, John H., Jr., OF105570.
Vande Hei, Thomas F., O98317.
Vandermosten, John, O97838.
Vanderploog, Paul J., O98318.
Vanneman, Robert G., O98987.
Varnell, Allan K., O98988.
Vaughan, Curry N., Jr., O98989.
Vaughn, Robert H., O99267.
Vaughn, Tom J., Jr., O98990.
Vecchiarello, Robert, O98278.
Vejar, Ray J., OF103761.
Venes, Richard A., O98991.
Verrier, Thomas L., O99209.
Vesey, Joseph T., O99268.
Virant, Leo B., II, O98992.
Vlasak, Walter R., O98322.
Vogel, Robert A., O98993.
Vogt, Herman J., O97841.
Vopatak, Michael J., O98994.
Voss, Didrik A., O98995.
Vote, Gary F., O98996.
Wahlbom, Philip C., OF102662.
Walker, John J., O98343.
Walker, John S., Jr., O98997.
Walker, Ralph, II, O98998.
Wall, John C., O98999.
Wall, Kenneth E., Jr., O99000.
Wall, Lewis W., O97842.
Wall, Sandy K., O99001.
Wallace, Gary F., O98505.
Wallace, Terrence M., O98326.
Waller, John S., O99002.
Walsh, Cecil L., O98560.
Walsh, John P., O97843.
Walsh, Michael E., O99003.
Walsh, Richard R., O99004.
Walsh, Robert E., O97844.
Walton, Charles M., O98329.
Wandke, Richard D., O99223.
Wangsgard, Chris P., O99005.
Ward, Richard F., O99270.
Warder, Hiram W., II, O99006.
Ware, Robert P., O97698.
Waring, Kurt E., O97849.
Watkins, James M., O99525.
Watson, Jerry L., 099271.
Watson, Raymon L., O97850.
Weber, Richard E., O99007.
Weishaupt, Robert M., O98561.
Welch, Kennard R., O97853.
Wenners, Edward B., O97854.
Westbrook, Joseph A., O99008.
Westermeier, John T., O99009.
Weyrauch, Paul T., O99010.
Wheeler, John B., O99011.
Whidden, David L., Jr., O99012.
Whipple, Robert E., 098335.
White, Charles T., Jr., O99013.
White, George C., III, O99528.
White, John M., Jr., O97723.
White, Perry S., O98336.
Whitehead, William, O99014.
Whitesides, Leonard, O97861.
Whitman, Gordon L., O97862.
Wilde, Gary D., O99529.
Wilde, Ronnie L., O99530.
Wildrick, Edward W., O99015.
Williams, Budge E., O98564.
Williams, Douglas T., O99016.
Williams, Gomer R., O98339.
Williams, Robert G., O99276.
Williams, William J., O98340.
Williams, William J., O99277.
Williamson, John G., OF103923.
Willman, Landon P., O99278.
Willson, Daniel A., O99017.
Wilman, James F., O97865.
Wilson, Joe H. R., O99018.
Wilson, John W., III, O99019.
Wilson, Richard A., O99021.
Wilson, Thomas A., II, O99022.
Wilson, William L., O99023.
Wilson, William, O98567.
Winder, Gordon L., O99280.
Wing, Raymond A., O97869.
Winn, Robert E., O98247.
Winters, Robert F., O99024.
Wishart Francis E., O97871.
Wishowski, Thomas M., O99281.
Witt, William W., O99025.
Wolz, Donald J., O99026.
Womack, Charles H., O98344.
Wood, Robert H., O99027.
Wood, Shelton E., OF105881.
Woods, John M., Jr., O99028.
Woods, Luther L., O99029.
Wright, Johnny F., OF105882.
Wright, Walter C., Jr., OF105883.
Wroblewski, Frank M., OF103732.
Wykle, Kenneth R., O98347.
Wyrwas, John A., O99030.
Xenakis, John J., O97872.
Yamashita, Teddy K., O99031.
Yanagihara, Galen H., O99032.
Yando, Arthur N., O99256.
Yearout, Paul H., O99282.
Yoshimura, John P., O98348.
Young, Richard G., Jr., O99034.
Young, Ronald E., O98569.
Young, Timothy R., O99035.
Zelley, Robert A., O99036.
Zeltner, Richard L., O98351.
Zimmerman, James E., O99284.
Zinni, Gabriel J., O98354.

To be first lieutenants, Medical Service Corps

Boe, Gerard P., OF105330.
Carlson, Ronald O. J., O98046.
Covington, William, OF102837.
Dorogi, Louis T., O97497.
Fahey, Thomas E., O97404.
Finkelstein, Eugene, OF105386.
Fleming, Jerry M., O97522.
Fobbs, Benjamin F., O98420.
Gregg, Jerry L., OF105413.
Grosshans, John H., O99169.
Hanson, Larry L., O98130.
Harrell, Henry C., OF104442.
Hawkins, James W., Jr., O97577.
Kingry, Roy L., Jr., O98794.
Ladestro, Ralph, OF105455.
Megehee, Jacob H., O99212.
Meuth, Michael L., O97442.
Miketinac, Bruce T., O97681.
Mitchell, Charles H., O99494.
Modarelli, Robert O., O97755.
Modderman, Melvin E., O97687.
Nason, Jesse N., OF105776.
Nutt, John W., OF105780.
Pierce, Gerald P., O99503.
Provost, John M., O98525.
Schnakenberg, David, 097767.
Simpson, Arthur E., O98541.
Stephenson, Thomas, O98115.
Stocks, Robert B., O98180.
Walker, Jimmy, OF103767.
Warner, Lyle W., OF104573.
Weiser, Philip C., O99227.
Wichelt, Roger H., O99273.
Zalkalns, Gundars, O97875.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

Lieutenant colonel to colonel

LINE OF THE AIR FORCE

Aamodt, Duane A., FR13643.
Abrahajam, Bruce H., Jr., FR22591.
Adams, William P., Jr., FR11810.
Ahalt, Roy M., Jr., FR34343.
Alderson, Sam W., FR34015.
Alexander, Jim V., FR12215.
Alkonis Stanley J., FR51804.
Allen, Robert C., FR14624.
Amick, Roy W., FR34001.
Amundson, Lowell O., FR13561.
Andersen, Leslie E., FR33615.
Anderson, John G. M., FR33497.
Anderson, John J., FR14475.
Andrae, Paul H., II, FR13309.
Aswad, Saleem, FR14042.
Atteberry, Billy N., FR33681.
Aumer, Thurman D., FR13857.
Ayres, Frank L., FR18173.
Baldwin, Oscar F., Jr., FR33326.
Ballinger, Philip R., FR14404.
Bankard, Harry V., FR33859.
Bard, Paul F., FR34184.
Barnett, James W., FR13924.
Barry, Michael A., FR33588.
Bartlett, Edward J., FR34166.
Bass, Robert A., FR20632.
Batsel, Lee H., FR34406.
Baumann, Robert P., Jr., FR18203.
Baumgardner, Haynes M., FR14897.
Baydala, Edward T., FR14091.
Beckett, Thomas A., FR10175.
Beckham, Dwight S., FR34196.
Beckman, Kenneth N., FR14183.
Behn, Milton A., FR09766.
Bell, Walter W., Jr., FR33611.
Bennett, Charles I., Jr., FR16442.
Beno, William G., FR18205.
Berry Erskine G., Jr., FR34344.
Best, William H., Jr., FR14383.
Billings, Donald E., FR33522.
Bird, Joseph M., FR34102.
Blackburn, Thomas W., Jr., FR14415.
Boelter, Herbert O., FR33689.
Bogan, Leon S., FR12224.
Bogard, Lawrence M., FR12550.
Borders, Charles W., FR18149.
Bourus, George J., FR51818.
Bower, James A., FR13691.
Bowlin, Roy L., Jr., FR09806.
Bowman, Gordon Y., FR51845.
Boyd, Henry L., FR23652.
Boyles, Dixon R., FR13874.
Bradford, James W., FR10082.
Bradley, Clyde W., Jr., FR13856.
Bradley, Lewis L., Jr., FR13995.
Brake, William J., FR13707.
Brand, Dudley V., FR33396.
Britting, Wesley E., FR14945.
Brofft, Robert E., FR14332.
Brookie, Donald W., FR33569.
Brown, Frederick I., Jr., FR33540.
Brunner, Arnold C., FR34226.
Bull, Daniel H., FR 34140.
Bullen, Howard R., Jr., FR14454.
Bulli, Dante E., FR 14964.
Burnett, Elvin E., FR 20601.
Burns, Carlton L., FR11841.
Buzard, Frank S., FR33814.
Byrd, Neal A., FR14272.
Cameron, Wallace H., FR12044.
Campbell, Warren E., FR15032.
Carkeet, John L., Jr., FR11950.
Carter, Charles R., FR09748.
Carter, Wilbur D., FR14531.
Casbeer, Roy N., FR14858.
Casey, Robert W., Sr., FR51842.
Cavanaugh, William D., FR12938.
Cecil, Thomas J., FR23654.
Chamberlain, Clarence N., Jr., FR23686.
Chasteen, John R., FR33505.
Chenault, Charles J., FR14665.
Christensen, Douglas H., FR14672.
Christner, Winton, FR34246.
Churchville, Louis J., FR12635.
Clark, James K., FR13673.
Clark, Waymon D., FR12749.
Clark, William T., Jr., FR13611.
Clarke, Donald L., FR12531.
Clarke, John S., Jr., FR14963.
Clarke, Russell C., FR13934.
Claybaugh, K. Wayne, FR14854.
Clemence, Charles J., Jr., FR14017.
Clisham, Winston H., FR22618.
Cloaninger, Francis A., FR34230.
Clowry, John P., FR23687.
Cobeaga, Mitchell A., FR34338.
Cochrane, Robert G., FR14614.
Cole, Heston C., FR10197.
Coleman, Robert G., FR14719.
Collier, Milton, FR13620.
Collins, Glenn R., FR14255.
Combs, John H., Jr., FR13368.
Conti, James F., FR33757.
Copher, Paul D., FR22619.
Cordes, Harry N., FR14659.
Cormany, William F., FR09714.
Cottingham, Paul F., FR51734.
Coursey, Robert J., FR12971.
Covell, Dwight W., FR14333.

Craig, Charles D., Jr., FR33510.
Crawford, William A., FR10005.
Crego, John C., FR14130.
Crosby, Samuel E., Jr., FR20612.
Cross, Richard G., Jr., FR14492.
Crum, Glenn, FR34237.
Culbertson, William W., FR14738.
Culet, Ralph S., FR14430.
Cummins, Daniel G., FR12136.
Cummins, Timothy, FR22594.
Curry, Deane G., FR34378.
Curton, Warren D., FR14337.
Dailey, John G., FR14910.
Daly, Robert P., FR14795.
Davis, Beverly E., Jr., FR14529.
Davis, Lavoi B., FR14136.
Davis, Ruby E., Jr., FR14946.
Decker, Lynne E., FR09720.
Delbeccaro, Vincent J., FR19779.
Deleo, Hector J., FR34030.
Dellamonico, Anthony S., FR33803.
Dessert, Donald M., FR13359.
Dethman, Ivan H., FR14258.
Dick, Wagner W., FR14139
Dixon, Robert J., FR14462.
Doersch, George A., FR09972.
Dorff, Richard W., FR09863.
Dorman, Reynold C., FR49139.
Dowell, Ralph H., Jr., FR13818.
Downey, Russell A., FR14747.
Downie, Currie S., FR14376.
Downs, Richard J., FR34297.
Dufault, William F., FR20680.
Duff, David J., FR33858.
Duff, Robert T., FR14238.
Duffus, John D., FR13563.
Dukes, Ernest F., Jr., FR14801.
Dumontier, Louis D., FR18171.
Dunaway, Kenneth D., FR14478.
Dunn, John H., FR14656.
Dusenberry, Robert K., FR13429.
Dvorak, Edward H., FR34081.
Dwyre, George T., FR34375.
Dyke, Samuel E., FR14319.
Dysart, Blan P., Jr., FR34108.
Earhart, Pat H., FR34360.
Eckles, William H., FR34299.
Elarth, Vernon H., FR11851.
Elliott, William P., FR14043.
Emig, John W., FR34276.
Eubank, Graydon K., FR18132.
Evans, J. L., FR14368.
Evans, Lawrence W., FR33984.
Evans, William R., FR14076.
Eve, Arthur, Jr., FR33746.
Everett, Hal W., FR14323.
Fahrney, Richard L., FR18191.
Falk, David M., FR13841.
Fallon, Edward R., Jr., FR34173.
Farr, John W., FR20660.
Farr, Robert, FR12109.
Faulk, William, Jr., FR33835.
Fetters, Rolland F., FR09916.
Findlay, Clayton, FR14020.
Fisher, Charles D., Jr., FR51740.
Fisher, Gene E., FR33500.
Fitch, Edward B., FR12941.
Fitjar, Raymond A., FR34342.
Fitzgerald, Paul A., FR34364.
Flake, Alma R., FR34206.
Flannigan, Ralph E., FR06869.
Fory, Garland V., FR12612.
Foster, Charles R., FR14637.
Foster, Martin A., Jr., FR33431.
Foulk, Tom B., Jr., FR10183 .
Frakes, James F., FR09821.
Franco, John A., FR33598.
Franklin, George W., FR14699.
Frederick, Paul A., III, FR13062.
Frederick, Russell R., FR12148.
Fritz, Paul C., FR12284.
Fulmer, James H., FR33818.
Galentine, Paul G., Jr., FR14734.
Gallagher, James G., FR14056.
Gallagher, John J., FR13318.
Gallerani, Alterio, FR12746.
Gamble, Jack K., FR14026.
Garden, Francis, FR19904.
Garner, Harold C., FR33885.
Garrison, Vermont, FR33987.
Geary, Paul X., Jr., FR33592.
Gettelfinger, Robert J., FR13066.
Gibney, Richard J., FR34376.
Gibson, Billy P., FR14070.
Gilchrist, William T., FR09890.
Gill, Robert E., FR14263.
Goade, William R., FR14552.
Godbey, Donald E., FR12705.
Goforth, Pat E., FR33649.
Goodlad, Harold G., FR14520.
Goppert, Jean G., FR18167.
Gore, Granville I., FR22721.
Gray, William E., FR33833.
Green, Dexter M., FR33651.
Green, Joseph, FR12921.
Green, Robert V., FR12967.
Greene, Clarence R., FR12745.
Greene, Julius P., FR14609.
Greenspun, Morris J., FR21432.
Greer, Walker B., FR33550.
Gregory, Fountain L., Jr., FR13122.
Grimes, Robert Z., FR14842.
Griswold, Edward D., FR33352.
Groom, John F., FR14218.
Gruber, Donald C., FR33755.
Guinn, Euin N., FR14861.
Gulino, Vasco E., FR09930.
Gutekunst, Charles J., FR14474.
Guy, George A., FR34148.
Hagenback, James J., FR12372.
Hambleton, Bertram L., Jr., FR09865.
Hamill, Jimmy M., FR12243.
Hamill, Robert S., FR34078.
Hamilton, Richard L., FR13042.
Hancock, Quentin L., FR33947.
Hancock, Robert M., Jr., FR13683.
Hanks, Dale J., FR14356.
Hanna, Max E., FR33524.
Hanner, Charles K., Jr., FR13079.
Hansen, Homer K., FR14983.
Harkness, Orlo V., FR12424.
Harris, Bert S., FR09938.
Harris, Daniel B., FR14441.
Harris, George W. E., FR34033.
Harris, Robert W., FR12704.
Harte, Allan S., Jr., FR14459.
Harwell, Albert S., Jr., FR33883.
Hassel, Robert K., FR14164.
Haynie Frank M., FR10221.
Hemingway, Norman B., FR33643.
Henderson, Jack J., FR14532.
Henley, Robert M., FR13033.
Henry, Patrick H., FR14548.
Herberg, John A., FR51784.
Herrera, Alfred C., FR20608.
Hester, Benjamin F., FR12011.
Heyroth, James W., FR14789.
Hill, David M., FR33671.
Hill, Harold I., FR14714.
Hill, Louis D., FR33716.
Himes, David A., FR34112.
Hof, Robert T., FR33986.
Horgan, Michael C., FR34044.
Horn, Willard L., FR13416.
Horrocks, John T., FR33560.
Hudson, Jere H., FR09983.
Huffman, Delbert L., FR12233.
Hughes, Paul A., FR19947.
Hurley, Richard M., FR14498.
Hutchins, Alfred G., FR14682.
Iles, George J., FR14792.
Irons, Stanley W., FR09717.
Iverson, Robert W., FR33869.
Jacobi, George A., FR34009.
Jacobs, John W., FR14774.
James, Daniel, Jr., FR34012.
Jarman, Wallace J., FR34203.
Jarrett, David D., FR13636.
Jenkins, Russell H., FR33495.
Jerman, Charles E., FR12897.
Johnson, Charles G., FR14992.
Johnson, Francis E., FR33595.
Johnson, Gordon M., FR14949.
Johnson, John R., Jr., FR13656.
Johnson Warren D., FR14367.
Jones, Howard A., FR14965.
Jones, Troy H., Jr., FR14049.
Jordan, Hugh F., FR09840.
Joyce, Daniel G., FR25605.
Keating, Philip J., FR09897.
Kells, Walter A., FR22599.
Kekoa, Curtis, FR14730.
Kelley, George J., Jr., FR12519.
Kelso William R., FR12822.
Kennedy, Jerome M., FR13260.
Kennedy, Joseph J., FR33632.
Kenney, William R., FR14428.
Kensler, Thomas C., Jr., FR14909.
Kerr, Robert A., FR12804.
Kidd, John B., FR34076.
Killian, Melvin J., FR33568.
King, Donald B., FR34353.
King, Walter S., FR34374.
Kissell, William G., FR11776.
Knight, Jack, FR20039.
Knowles, Edward, Jr., FR13365.
Koelbl, Henry C., FR33538.
Kouts, Alexander, FR33544.
Kraus, Robert E., FR34281.
Lacagnin, Leonard J., FR14574.
Lacey, William H., FR34255.
Ladd, Robert B., FR11700.
Landry, John F., FR33283.
Lane, Thomas W., FR34084.
Lasalle Harry S., Jr., FR13937.
Lawrence, Norman T., FR14284.
Lee, Maurice E., Jr., FR33345.
Leech, Richard G., FR24312.
Legge, Leonard M., FR14749.
Legrand, George, FR33714.
Leigon, Charles W., FR14006.
Lenihan, John J., FR33700.
Levan, Jay E., FR11839.
Lewis, Henry S., Jr., FR19794.
Linden, Robert M., FR51805.
Linn, Howard A., FR12862.
Livingston, Clyde M., FR11657.
Loman, William T., Jr., FR20669.
Long, Paul H., FR20635.
Lovelady, Albert P., FR33867.
Lowell, Charles L., FR13928.
Lucas, Truman, FR33999.
Lukeman, Robert P., FR14156.
Lutz, George W., FR13388.
Lyon, Moncure N., Jr., FR34191.
Macefield, James FR34233.
Macgregor, Jack M., FR14859.
Mackenzie, Alexander S., FR34188.
Maitland, William W., FR13341.
Malkiewicz, Frank J., FR14978.
Mamalis, Solon, FR12453.
Mann, William L., FR13777.
Manning, Simon W., Jr., FR14286.
Manor, Leroy J., FR14307.
Marcum, Everette L., FR14137.
Marcum, Robert S., FR12212.
Markel, Carrol B., FR14602.
Marr, James A., FR33686.
Marsden, Roy F., FR11921.
Marshall, Benjamin C., FR12129.
Martin, Edward O., FR14366.
Martin, Jack T., FR13634.
Masden, Gilbert A., FR11991.
Mask, Kenneth J., FR12690.
Mason, John J., FR13482.
Matlick, Benjamin M., Jr., FR14607.
Matte, Joseph Z., FR20615.
Mayo, Francis L., FR34329.
McCarty, Harold H., FR14239.
McCorkle, George W., FR34043.
McCormack, Lemuel H., Jr., FR09978.
McCormack, Robert, FR14618.
McCuskey, Michael A., FR33428.
McFadden, Kenneth L., FR20746.
McKendrick, Howard R., FR14676.
McLaughlin, William A., FR14515.
McLeod, Billy A., FR33520.
McMahon, James J., Jr., FR12805.
McManaman, Charles J., FR34384.
McMunigle, Francis M., FR34144.
Meacham, Chauncey W., FR13986.
Meador, Thomas R., Jr., FR33890.
Meek, Frank E., Jr., FR12334.
Merrill, Edward G., FR14303.
Mertely, Frank, FR18201.
Metheney, Frank W., FR14374.
Miller, Burdsall D., FR09745.
Miller, Cecil D., FR34394.
Miller, Clarence M., Jr., FR14088.
Miller, Luther J., FR34016.

Mills, Arthur J., FR18180.
Mills, Clarence H., FR22650.
Mills, Robert J., FR12661.
Mish, Charles C., FR13828.
Misner, Richard F., FR12445.
Mitchell, John W., FR14159.
Mitchell, Maurice S., FR14171.
Moats, Sanford K., FR14948.
Moench, John O., FR14318.
Morey, John B., FR59989.
Morgan, Thomas W., FR13964.
Moseley, Walter S., FR34117.
Mozley, Claude D., Jr., FR14028.
Mullen, John T., FR13925.
Muller, Frank J., FR33809.
Murphy, John E., FR14169.
Myers, Bill E., FR14038.
Navarro, Michael, FR14499.
Nesley, William L., FR14378.
Newbern, Robert G., FR33280.
Newell, Jamieson H. B., FR13501.
Newquist, Weldon D., FR34067.
Neyland, Lewis J., FR14387.
Niersbach, Norman G., FR12760.
Nolan, Robert A., FR34193.
Norwood, Howard L., Jr., FR33898.
Noyes, Arnold V., FR12472.
Nurnberg, Malcolm L., FR14046.
Ocarroll, Thomas K., FR11898.
Ogburn, Henly M., Jr., FR33605.
Ogozaly, Leo E., FR13999.
Oldfield, Charles S., FR13901.
Olsson, Ward T., FR34006.
Ong, Dong, FR14556.
Oreagan, John P., FR09912.
Orsi, Victor, FR48722.
Orton, George W., FR14675.
Ottaway, Harold E., FR13065.
Ousley, Carl A., FR33997.
Overbey, George D., FR10230.
Page, Jack C., FR13032.
Palmos, Peter G., FR14919.
Pamperien, Roka D., FR13752.
Park, Paul L., FR13662.
Patterson, Alfred K., FR14311.
Patterson, Edward H., FR13845.
Penrod, James B., FR12389.
Perron, Gregory H., FR09970.
Perry, Marshall F., FR33647.
Pesacreta, Samuel, FR14281.
Petrul, Paul J., FR14207.
Pettit, Roy F., FR13382.
Phifer, James H., Jr., FR14453.
Pierson, Robert E., FR14826.
Pitts, Morris B., FR25502.
Ports, Robert A., FR13277.
Post, George M., FR12321.
Potter, Waldo F., FR10165.
Prahler, Robert H., FR13806.
Preller, Gordon C., FR18144.
Price, James L., FR34018.
Pritchard, James B., FR13836.
Prochoroff, George, FR12984.
Purdy, Douglas C., FR13322.
Purkey, Gerald L., FR33392.
Qualls, Melvin E., FR34098.
Raeke, Louis A., Jr., FR12033.
Raisor, Clifford E., FR14015.
Ramer, Richard L., FR14436.
Rawls, Don M., FR13487.
Ray, Arthur G., Jr., FR51773.
Reap, Cyril J., FR33690.
Reed, Howard E., FR33369.
Reeder, William D., FR18161.
Reilley, Orville K., FR51843.
Reiss, Leonard, FR21439.
Richard, Anthony H., Jr., FR10202.
Richard, William W., Jr., FR14162.
Richardson, Howard, FR14345.
Richmond, Joe F., FR14057.
Riordan, Daniel W., FR24327.
Risher, Edward H., FR34293.
Ristau, Siegfried E., FR18169.
Robertson, Everett E., Jr., FR11987.
Robinson, Richard S., FR33309.
Rodriguez, Edward F., FR12881.
Romo, Peter E., FR13157.
Rood, Eric W., FR22620.
Ross, Amos H., Jr., FR10023.
Sanders, Wendell W., FR12121.
Santala, Eugene W., FR11940.
Sapp, Roger E., FR11789.
Savage, Robert B., FR13156.
Schatzley, Byron L., FR33708.
Schmerbeck, David J., FR14781.
Schmidt, George R., FR18202.
Schmidt, Robert C., FR12962.
Schreiber, Joseph, FR14988.
Schueler, Eldor H., FR12384.
Schuering, Alvin G., FR18166.
Scott, Charles E., Jr., FR13831.
Scott, Richard E. J., FR14002.
Scurlock, Frank L., FR14748.
Scurzi, Joseph R., FR13547.
Shannon, James A., FR14510.
Sheehan, Frank A., FR51812.
Shook, Abraham E., FR14821.
Shotts, Bryan M., FR14680.
Simmons, Malcolm C., FR13013.
Simokaitis, Frank J., FR15013.
Simpson, Robert F., Jr., FR14068.
Simpson, Thomas L., FR14423.
Sims, Thomas J., FR34205.
Sitler, Fred H., FR13124.
Sloan, Howard M., FR14745.
Smallfield, George B., FR14959.
Smith, Clark S., FR33509.
Smith, Donavon F., FR14577.
Smith, Edgar H., FR23684.
Smith, James C., FR51786.
Smith, Larkin B., Jr., FR33317.
Smith, Orrin R., Jr., FR15038.
Smith, Paul K., FR51806.
Smith, Ralph L., FR13285.
Smith, Robert E., FR13507.
Smith, Robert W., FR13454.
Smolen, Michael, FR34368.
Snyder, Wallace S., FR33720.
Sokay, Leslie W., FR14362.
Speed, Worth M., FR34116.
Spiva, Thurman, FR13527.
Sprinkel, Milton D., FR13304.
Stackhouse, Carl B., FR33420.
Stearns, Seymour, FR51808.
Steele, Ralph J., FR14388.
Steelnack Einar H., Jr., FR33994.
Steiger, George J., FR33929.
Steinkraus, Lawrence W., FR14847.
Sterr, Roger, J., FR33769.
Stooksberry, Sam D., FR14370.
Story, Harvey L., FR14772.
Stringfellow, Glassell S., FR34145.
Strong, Roy L., FR14364.
Struby, Joseph R., FR14707.
Stubblefield, Lee E., FR51853.
Stuyvesant, Ernest D., FR13586.
Surowiec, Eugene L., FR34200.
Swayze, Jack, FR12546.
Tapscott, Wilbur A., FR10076.
Tarwater, Benjamin W., FR14264.
Tate, Clark A., FR34169.
Teller, J. Craig, FR10184.
Terrell, James H., Jr., FR13134.
Thomas, Harold P. G. H., FR33547.
Thompson, William M., FR09841.
Tillman, Herma G., Jr., FR09990.
Tillotson, Bascom E., Jr., FR33466.
Tremblay, Armand L., FR22624.
Trudeau, Carvil A., FR33973.
Trueblood, Roger W., FR14848.
Unger, Edward C., FR14491.
Valentine, Dwane R., FR12694.
Vantrease, Hubert C., FR13422.
Vella, Vito T., FR14841.
Vowinkel, Merlin J., FR14778.
Wack, Joseph H., FR34337.
Waggener, Herman A., Jr., FR14047.
Walker, Barton F., Jr., FR14249.
Walker, Harold E., FR14432.
Walker, John D., FR14005.
Walsh, Edward J., Jr., FR13712.
Watson, Paul C., FR14603.
Wayland, Robert H., Jr., FR33308.
Weaver, William H., Jr., FR14813.
Webb, Bert H., Jr., FR12132.
Weber, Charles G., FR33854.
Weidenbusch, Albert C., FR34357.
Weigle, Vincent J., FR12793.
Weigner, Leonard N., FR33706.
Welch, Robert G., FR33620.
Wells, John H., Jr., FR33756.
Wernette, Eugene C., FR34146.
Westerman, Raymond S., FR14617.
Weyant, Jack A., FR13424.
White, Victor M., FR14594.
Whittington, Richard L., FR12193.
Wier, Charlie Y., FR21785.
Wilborn, William T., FR18194.
Wilkerson, Joe T., FR33386.
Wille, Herman B., FR34314.
Wille, Thomas, FR51849.
Williams, Cyril E., FR13363.
Williams, Hubert L., FR14446.
Wilson, George M., FR21777.
Wilson, James B., FR33613.
Wilson, James R., FR34160.
Wilson, Lee V., FR34105.
Wine, Paul H., FR14055.
Wise, John W., FR14340.
Wolfe, Charles S., FR18176.
Wood, Edwin A., FR14117.
Wood, Theodore S., FR33349.
Woody, Rufus, Jr., FR23655.
Woodyard, Jean K., Jr., FR13676.
Yraceburn, Joe R., FR11805.
Zimmermann, Hugo, FR14728.
Zubon, Michael, FR10134.
Zukerberg, Harry, FR13869.

CHAPLAINS

Engell, Arthur T., FR70980.
Hanlon, Thomas C., FR48574.
Jameson, Ashley D., FR48588.
Shoemaker, Harold D., FR27660.
Trent, B. C., FR26649.
Unger, Orvil T., FR55107.
Woodruff, James R., FR27659.

DENTAL CORPS

Feldmann, Earl E., FR20008.
Grant, Ambrose G., FR24675.
Hughes, Wilbur R., Jr., FR25693.
Louis, John D., FR20058.
Oleary, Timothy J., FR18966.
Poor, Willard H., FR21728.
Sprague, William G., FR25667.
Stumpf, Arthur J., Jr., FR23058.
Tarsitano, John J., FR27495.
Zellhoefer, Robert W., FR27598.

MEDICAL CORPS

Archdeacon, John R., FR23068.
Culver, Warren T., FR19346.
Douglas, William K., FR19967.
Flaherty, Bernard E., FR22399.
Hennessen, John A., Jr., FR20013.
Hessberg, Rufus R., Jr., FR24647.
Kurth, Robert J., FR22401.
Marshall, Charles B., Jr., FR19962.
Myers, Paul W., FR21761.
Preston, Rhea S., FR19770.
Robison, Jack R., FR22550.
Ryan, Arthur E., FR29614.
Thomas, Herrick M., FR19566.
Wright, Walter D., FR23063.

NURSE CORPS

Gersema, Vivian M., FR21082.

MEDICAL SERVICE CORPS

Cooper, Nathan, FR19521.
Ehardt, Frederick, FR48906.
Goings, Charles E., Jr., FR19522.
Hodge, Joseph E., FR24235.
Keller, Paul C., FR48930.
Manrow, William E., FR19504.
Marolf, Kenneth L., FR21613.
McDermaid, Richard, FR19575.
Pomphrey, Patrick J., FR19485.
Woolf, Henry M., FR21615.

VETERINARY CORPS

Couch, J. B., FR21601.
Dalziel, George T., FR21605.
Werntz, Omar G., FR51117.

BIOMEDICAL SCIENCES CORPS

Allen, Wallace B., FR15390.

Second lieutenant to first lieutenant

LINE OF THE AIR FORCE

Adair, Samuel Y., Jr., FR75473.
Adamson, Russell E., Jr., FR79260.

Ahearn, Terrence J., FR75474.
Akers, James C., FR75585.
Akin, Robert L., FR77998.
Albright, Edwin R., Jr., FR79994.
Albritton, Edward C., FR78158.
Allen, George W., FR79263.
Allen, Thomas R., FR75586.
Allen William H., Jr., FR77999.
Allis, Richard A., FR78193.
Almeda, Charles E., FR79218.
Alverson, Richard V., FR78252.
Anderson, Dale D., FR79267.
Anderson, Harry K., Jr., FR79996.
Anderson, James M., FR3137473.
Anderson, Paul V., FR3135414.
Anderson, Terry D., FR75587.
Anderson, William A., FR78214.
Anger, Terry G., FR78159.
Arganbright, Michael J., FR75476.
Armbruster, Louis F., FR75588.
Arthurs, Dale D., FR78468.
Arvik, Jon H., FR80144.
Ashbaker, Phillip N., FR75800.
Ashe, Thurman O., FR75589.
Aston, Gary M., FR3135490.
Atack, Rodney M., FR79831.
Atkins, Jerome A., FR79269.
Aultman, Fred C., FR79998.
Ayer, Frederick L., FR78393.
Baas, Melvin T., FR3139139.
Bacon, Michael J., FR79648.
Baergen, Edward, FR80000.
Bailey, Carl D., FR79833.
Bainton, Ronald W., FR3135515.
Baird, James, FR77940.
Bakenhus, Frederick A., FR79649.
Baker, Dalton W., FR79271.
Baker, Kenneth E., FR75592.
Baker, Larry K., FR78228.
Ballard, Malcolm J., Jr., FR77941.
Ballee, William J., FR75802.
Bandy, Finis W., FR79650.
Barineau, James E., FR75478.
Barnes, Gary L., FR75593.
Barnhart, Joe W., Jr., FR75594.
Barrere, Howard A., FR75595.
Bart, Seigfried G., Jr., FR78469.
Barthelemy, Robert R., FR75804.
Bassin, Stanley L., FR79835.
Bastien, Peter M., FR79652.
Bates, Larrie C., FR75596.
Baughman, John S., FR75480.
Bayer Robert E., FR77942.
Beasley, Dennis C., FR77943.
Beaton, David A., FR79837.
Becnel, Marion O., FR3130631.
Beighle, William P., II., FR79654.
Bellingham, Davi E., FR80002.
Benjamin, Warren E., FR79114.
Bennett, Charles M., IV., FR79655.
Bennett, Gary W., FR75805.
Bennett, Lewis D., FR79656.
Benson, Verne H., FR78160.
Benton, Ronald L., FR3139140.
Berls, Robert E., Jr., FR80003.
Bernhard, John S., FR75483.
Bernhart, Michael H., FR78215.
Bernier, Johnnie O., FR75806.
Bernstein, Ivan H., FR79839.
Bernstein, Peter D., FR3131802.
Berringer, William G., FR75601.
Best, James R., FR75602.
Bethea, Jackie C., FR79658.
Bickford, John D., FR37889.
Biltz, James E., FR76338.
Birch, George E., FR78161.
Birdsong, Marcus D., FR79277.
Biscardi, James Jr., FR79278.
Bischoff, John W., FR78194.
Black, Thomas A., FR79279.
Blackmon, Jerry M., FR78253.
Blackwood, Jimmie, FR3136387.
Blake, Ronald W., FR79280.
Blankenship, Kenneth L., FR75484.
Blansett, Bennie B., Jr., FR75604.
Blount, Jack R., Jr., FR3137857.
Blume, Frederic K., FR75605.
Bocklage, Joseph T., FR76140.
Bohutinsky, Andrew, FR75807.
Bolinger, Roy E. J., FR79840.
Bonalewicz, Richard, FR80004.
Bonse, Gilbert, FR79968.
Boomstra, Ronald J., FR79284.
Borchert, Frederick C., FR78195.
Borner, Frank D., FR78352.
Boubelik, David K., FR79841.
Boucher, Paul A., FR78000.
Bousek, Ronald R., FR75808.
Bowen, Robert E., FR79252.
Bowers, Joseph H., FR75606.
Boyd, James A., Jr., FR79842.
Boyner, Daniel D., Jr., FR75607.
Brandberry, Brian L., FR78162.
Bramlett, Harry R., FR79289.
Brandt, Paul A., III, FR78163.
Branscome, James A., FR80005.
Branscum, Harold W., FR77944.
Brennan, William J., Jr., FR79290.
Brever, William A., FR80006.
Bricker, Lee E., FR80007.
Brinson, Edwin L., FR78394.
Britt, Paul S., FR79661.
Brock, Harvey T., Jr., FR79662.
Bronnenberg, Gerald E., FR3137945.
Brooks, Joseph P., Sr., FR79291.
Brosveen, Douglas A., FR30996.
Brown, Charles R., Jr., FR75485.
Brown, Gerald R., FR80008.
Brown, Richard D., FR75809.
Brown, Richard M., FR79663.
Brown, Wesley, FR75608.
Browne, Cletus C., FR78002.
Broyles, James K., FR3137886.
Brune, Peter L., FR79294.
Bryan, Robert L., FR79296.
Buck, Erhard, FR79297.
Bucknell, Edward K., FR79664.
Bullock, William F., Jr., FR80009.
Bundrick, Myrl W., FR79665.
Bunting, Richard E., FR75487.
Burckel, William P., FR78003.
Burdash, Charles S., FR79298.
Burdick, David R., FR77945.
Burford, Edward G., FR80788.
Burgess, Jackie D., FR79667.
Burhans, William A., FR77946.
Burk, William J., FR78004.
Burke, Bruce L., FR75609.
Burnette, William H., FR79669.
Bush, Richard L., FR78005.
Bush, Ronald J., FR78216.
Butler, Robert B., FR75488.
Byford, Forrest E., FR79670.
Calabrese, John R., Jr., FR78459.
Callan, Walter M., FR79302.
Callaway, Jay C., Jr., FR3133178.
Campbell, William S., FR79305.
Cardell, Williams W., FR79307.
Carlson, Gary W., FR75810.
Carroll, Roger A., FR80013.
Carson, Gerald G., FR79635.
Carson, Peter A., FR75611.
Carter, Edward G., FR75612.
Cartwright, Jack E., FR79310.
Carzoli, Albert F., FR3137726.
Cascales, Charles W., Jr., FR79311.
Casey, Bobby L., FR3137904.
Cason, Thomas O., FR79168.
Casteel, Dwight O., FR3132037.
Cates, Robert T., FR79640.
Caulfield, Donna L., FR79312.
Cayler, Russell L., FR75613.
Cecchett, Gary M., FR79844.
Chada, William L., FR 75614.
Chambers, Linton T., FR80158.
Chandler, James W., Jr., FR75489.
Chang, George C. W., FR80014.
Charity, Louis H., Jr., FR79313.
Chartrain, Richard A., FR75811.
Chase, Edward L., FR3131859.
Cheshire, Jimmie D., FR80792.
Chew, Richard A., FR79315.
Chmielewski, Michael R., FR78217.
Choplin, John R., FR79674.
Christ, Francis E., Jr., FR3131047.
Christiansen, James W., FR80015.
Clapper, James R., Jr., FR75491.
Clark, David J., FR3138033.
Clark, Melvin E., FR79317.
Clarke, Charles E., FR77947.
Clayton, James W., Jr., FR79676.
Coakley, Roger L., FR3131178.
Cochrane, Norman J., FR75616.
Coco, Eugene G., Jr., FR75812.
Coesfeld, Paul E., FR75617.
Coffas, James, FR78353.
Coffey, James A., FR77948.
Cohn, Marcus T., FR77949.
Colapietro, Robert L., FR78395.
Cole, David B., FR75616.
Cole, George M., FR79678.
Collins, Edward M., Jr., FR75619.
Componovo, William, FR79847.
Conant, Richard C., FR3137733.
Conaway, Douglas F., FR3132500.
Conder, Lowell R., FR3132534.
Conerly, Lanny P., FR75813.
Conley, John L., FR75814.
Conrardy, Dale E., FR79848.
Consolvo, Charles W., Jr., FR80017.
Coogler, Munro A., Jr., FR78164.
Cook, John W., FR79321.
Cook, Thomas E., FR80018.
Cook, William A., FR78006.
Coons, David J., FR77950.
Cooper, Hugh S., FR80019.
Cooper, James K., FR79322.
Cooper, Robert N., FR78196.
Corbett, Philip W., FR75620.
Corn, John H., FR79849.
Couch, Robert M., FR80020.
Counts, Lawrence J., FR3129974.
Cox, David L., Jr., FR79680.
Cox, James D., FR78008.
Cox, Raymond C., FR75815.
Cox, Stephen E., FR78165.
Crabb, James H., FR78354.
Cramer, Randolph S., FR78375.
Crane, Kerry J., FR76493.
Crawford, Thomas P., FR75816.
Cress, Gary R., FR79323.
Crews, Ronald K., FR79681.
Croft, Robert L., FR78460.
Crosby, Chester G., FR3137738.
Crow, Wesley B., FR78396.
Culley, Robert B., FR79325.
Culp, Eugene R., FR77951.
Cunningham, Charles E., Jr., FR79851.
Daggett, Jesse B., II, FR77952.
Dahler, Alfred, FR79684.
Daley, Philip, FR79327.
Damron, Gerhard S., FR79328.
Dang, Norman K., FR79685.
Daniel, Jimmy L., FR3130105.
Dark, John J., FR80022.
Davee, Steven C., FR75493.
Davi, Emanuel F., FR75621.
Davis Arnold E., Jr., FR79329.
Davis, Dale L., FR75817.
Davis, Donny R., FR79253.
Davis, Edward A., FR79854.
Davis, Jefferson J., FR79686.
Davis, John S., FR79125.
Davis, Loyd E., FR79334.
Davis, Thomas D., FR75622.
Davis, William H., FR77953.
Daye, Charles R., FR79855.
Debolt, Richard A., FR77954.
Dederick, Arthur, III, FR75628.
Dee, William, FR69960.
Deere, Monte M., FR77955.
Dehart, Thomas Z., Jr., FR79330.
Dehner, Frederick T., FR75494.
Delaurentis, Robert H., FR79332.
Demuth, Ronald N., FR78355.
Denman, Daniel F., IV, FR79687.
Dent, Roy V., FR3132740.
Derochi, Steven F., FR79333.
Desch, Larry L., FR3119741.
Deschenes, Frederick D., FR79688.
Dice, Eugene E., FR78009.
Dierker, Ronald J., FR78010.
Dietrich, Joseph G., FR3130125.
Dietz, Daniel R., FR69965.
Digiacomo, Frederic V., FR79335.
Dilley, Dana A., FR3131807.
Dimauro, Anthony J., FR79336.
Ditch, Larry W., FR77300.
Ditterline, Raymond L., FR75623.
Doll, Bruce A., FR79691.

Dollahite, David R., FR75624.
Dombrowski, Robert F., FR79337.
Doorley, William A., Jr., FR3130133.
Doran, Thomas E., FR3130134.
Doran, William D., FR3146235.
Douglass, John W., FR78470.
Dove, Jack P., FR79692.
Dowden, Robert D., FR80027.
Downs, Lewis T., FR79341.
Druffel, Lawrence E., FR79343.
Dryden, Ronald L., FR80028.
Duarte, Frederick, FR78218.
Dubay, Donald H., FR79345.
Dubose, David R., FR79346.
Ducat, Bruce C., FR75625.
Dudac, Thomas W., Jr., FR78011.
Dumas, Jerry C., FR3131035.
Duncan, John A., FR75626.
Duncan, Noel H., FR75818.
Duncan, Robert M., FR75819.
Dunn, James S., FR75820.
Dunn, Philip K., FR79347.
Durst, Robert B., FR80982.
Dwelle, Stephen B., FR79859.
Dykman, Ronald C., FR80030.
Eby, Donald W., FR79348.
Edde, Richard L., FR79860.
Eddings, James A., FR3118706.
Edwards, Carlton W., FR78166.
Edwards, John V., Jr., FR79349.
Edwards, Robert F., FR3130146.
Efird, Robert A., FR79351.
Egan, Raymond J., FR79696.
Ehler, George R., FR79352.
Elder, Richard W., FR77956.
Eldridge, John L., FR79353.
Eldrup, Kenneth N., FR3130149.
Ellis, William G., Jr., FR80983.
Ellroot, Bernard F., FR78012.
Endee, Daniel G., FR79699.
Entrican, Robert A., FR75631.
Erickson, Mark S., FR79861.
Erickson, Theodore O., FR80032.
Evans, William H., FR77957.
Everett, Grant H., FR3139143.
Fadden, Delmar M., FR75821.
Fairchild, Paul H., FR80035.
Fallon, Thomas A., FR78461.
Fannin, Armand A., Jr., FR75822.
Fasick, John C., Jr., FR75633.
Favaron, George T., FR79862.
Fawcett, Delane S., FR79357.
Fay, Andrew F., FR79701.
Fender, James E., FR76142.
Ferguson, Charles M., FR75634
Ferrell, Jack L., FR79359.
Findley, William D., FR79703.
Finigan, Thomas R., FR77958.
Fitch, Duane A., FR3138275.
Fleischmann, Michael S., FR79363.
Fletcher, Thomas B., FR79364.
Foechterle, Edward R., FR75824.
Foran, Rory, FR79366.
Fortenberry, Charles P., FR3138291.
Foss, Charles H., FR75497.
Fouts, Jan N., FR79367.
Fox, Leslie H., FR75635.
Fox, Michael J., FR77959.
Francis, David P., FR3120240.
Francis, Eldon G., FR79368.
Frank, Richard E., FR77960.
Frankhauser, Walt A., FR78013.
Frazier, Keith V., FR77961.
Frediani, George A., III, FR79369.
Fredrickson, Wayde T., FR79864.
French, Thomas B., FR79866.
Frese, Francis C., FR76413.
Fresh, Donald W., FR78014.
Fritschie, Robert A., FR79867.
Frucci, Norman R., FR78356.
Fryer, John C., Jr., FR75499.
Fulton, William C., FR75115.
Futch, Thurman C., Jr., FR78219.
Gaasch, Roland C., FR78015.
Gaines, Richard F., FR3138053.
Gallman, David E., FR80039.
Gamble, Don M., FR78357.
Garcia, Esequiel L., FR76559.
Gardiner, Samuel B., FR75637.
Garner, Charles L., FR79707.
Garrett, Norris A., FR77962.
Gasperich, Frank J., Jr., FR78157.
Gaughan, Robert E., Jr., FR79869.
Geasa, Francis X., Jr., FR80040.
Geerlings, Jon L., FR75825.
Gelbhar, Johnny R., FR78254.
Gemelaris, Andrew, FR75639.
Gemelos, Elias N., FR78016.
George, S. W., FR77963.
Gibson, Phillip M., FR75640.
Gilbridge, William M., FR79374.
Giles, Harry G., FR78462.
Gilliam, Roy C., Jr., FR79376.
Girvin, Richard J., FR78017.
Gittings, John W., FR80043.
Goar, Larry J., FR79169.
Godfrey, Curtis L., FR78358.
Goldberg, Melvin S., FR76144.
Goldberg, Stanley R., FR75827.
Goldsmith, William W., FR79377.
Gooch, Richard A., FR76145.
Gordon, Sherwood, C., FR3138354.
Gough, Robert G., FR3132145.
Grace, James W., FR78018.
Graff, James H., FR3130205.
Graham, Harold E., FR3138079.
Grant, James F., FR78359.
Grassman, Jon M., FR77964.
Gray, Robert E., FR79379.
Greeff, Remi H., FR79872.
Green, James E., FR79380.
Greene, Bruce B., FR75501.
Greene, Duff S., FR 75502.
Greenie, William C., FR80044.
Greer, Gaylon E., FR79381.
Gregory, Eugene R., FR78021.
Gregory, Helen, FR79873.
Greiner, Walter A., FR75643.
Greist, Allan C., FR79711.
Griffith, James R., FR3138360.
Griffith, John C., FR75503.
Grimm, John A., FR3133055.
Griswold, Guy D., FR78197.
Grossberg, Herbert I., FR77965.
Grotbeck, Ronald L., FR75644.
Grote, Jeffrey E., FR78220.
Groth, Dennis D., FR78022.
Grubb, Kenneth A., FR3138711.
Grunder, Garold R., FR79382.
Grzesk, Ronald L., FR80046.
Guerra, Philip, Jr., FR78221.
Gunkel, James R., FR79874.
Gustafson, Charles R., FR80048.
Haack, John R., FR75504.
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Wells, Walter C., FR75887.
Wessel, James R., FR78209.
Westwood, Charles E., FR79594.
Wetzel, Raymond A., FR79953.
Weyler, Kenneth L., FR78062.
Wheeler, William A., II, FR79595.
Whitaker, Alvin E., FR79596.
White, Jack A., FR79820.
White, James S., FR78467.
Whitehead, Ellis H., FR75736.
Whiteley, Patrick M., FR79821.
Whitley, Jerry F., FR75538.
Whitney, John C., FR75539.
Whitten, John L., FR79598.
Whittier, Charles E., FR78225.
Wickham, Frederic O., Jr., FR78226.
Wielatz, Robert J., FR3137844.
Wilder, Philip D., FR79599.
Wilkins, Kermit D., FR78177.
Willems, Gary B., FR78178.
Williams, John W. O., FR79600.
Williamson, Fred H., Jr., FR75737.
Wilson, Edvin W., FR79601.
Wilson, Jack G., FR79085.
Wilson, John H., FR78403.
Wilson, Larry J., FR75888.
Wilson, Robert E., FR79179.
Wilson, William E., FR3131752.
Wimberly, Charles H., FR3133165.

Wingo, Jon L., FR75738.
Winkelmann, Marvin B., FR79602.
Winner, Robert J., FR79824.
Wiseman, James E., III, FR75739.
Withuhn, William L., FR76524.
Witkowski, Dennis N., FR79605.
Wolf, Gary K., FR78404.
Wood, John D., FR79825.
Woodall, Ronald L., FR75541.
Woodson, Murphy A., FR77994.
Wright, Alfred A., FR78061.
Wright, Bobby R., FR79607.
Wright, David K., FR78227.
Wright, Franklin E., FR78370.
Wright, John D., FR78063.
Wyman, Devon E., FR79608.
Young, Jimmie D., FR77993.
Young, Robert A., FR77995.
Younger, Jey E., III, FR78064.
Zach, Larry D., FR75890.
Zadra, Jon A., FR75542.
Zavislak, Raymond W., FR79611.
Ziegler, Norton N., FR79957.
Zimmer, James L., FR79958.
Zimmer, Peter B., FR77996.
Zone, Thomas J., FR79613.
Zwerg, Ralph F., FR79829.
Zwolinski, Ronald J., FR79614.

MEDICAL SERVICE CORPS

Frazier, Charles L., FR76143.
Gallagher, Thomas M., FR80038.
Johnson, Robert B., FR75665.
Norris, Victor G., FR75696.
Roundtree, Lester J., FR77309.
Terry, Charles R., FR75728.

BIOMEDICAL SCIENCES CORPS

Armour, James T., FR75477.
Baety, Walter G., III, FR79832.
England, Douglas M., FR79700.
Gaudot, Frank J., FR79868.
Hastings, Humphrey K., Jr., FR79713.

EXTENSIONS OF REMARKS

Treatment of Prisoners in Vietnam

EXTENSION OF REMARKS
OF
HON. BENJAMIN S. ROSENTHAL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 2, 1966

Mr. ROSENTHAL. Mr. Speaker, I have noted with interest and relief Ho Chi Minh's recent statement concerning the treatment of American prisoners of war. He has reprieved our captured airmen for the present, but his pronouncement does not in any way guarantee their futures.

I have, therefore, introduced today a resolution indicating that the sense of the Congress and the American people is firm on insisting that humane treatment be accorded our captured soldiers now and in the future. As signatories to the Geneva Convention of 1949, the Government of North Vietnam should abide by the provisions in the agreement concerning prisoners of war. Any violation of accepted codes of international behavior in this regard would be inhumane, and would tend to estrange North Vietnam from the family of nations. Further, improper treatment of American prisoners of war justifiably arouses the anger of the American people thus damaging the prospects of ending hostilities.

Unfortunately, the issue of proper consideration of prisoners of war is not as clear as we might desire. In the Washington Post of August 1, Joseph Kraft astutely comments on the difficult position of the United States vis-a-vis captured North Vietnamese troops. Currently the United States turns over to the South Vietnamese all North Vietnamese prisoners taken by American forces. Our South Vietnamese allies have themselves often been accused of inhumane treatment of such prisoners.

When the American commitment in Vietnam was limited to an advisory one, we were not in a position to deal with prisoners of war. However, having assumed a principal military role in the struggle, we should now also accept responsibility for all prisoners whom we capture. When we accept this responsibility, we would, of course, comply with the letter and the spirit of the Geneva accord.

As a step in this direction, the International Red Cross should be permitted to inspect all existing detention facilities in the south and to otherwise carry out their obligations to prisoners. Their reports should be made public and submitted to the International Control Commission. In return for such consideration of North Vietnamese prisoners, it is hoped that North Vietnam will take equivalent humanitarian steps for their prisoners.

It is my hope that my colleagues in this Congress will support the President in his endeavors to explore all possible channels leading to the humane treatment of prisoners on both sides. Justice and humane consideration for these individuals is an essential part of our efforts to establish groundwork for negotiations in an atmosphere of trust and mutual respect.

New York Hilo Demonstration Ride, a Success

EXTENSION OF REMARKS
OF
HON. ROBERT L. LEGGETT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 2, 1966

Mr. LEGGETT. Mr. Speaker, Monday morning, August 1, 1966, I was delighted to be aboard New York Hilo Flight No. 3 of the demonstration flight connecting downtown Washington with Dulles and Friendship International Airports.

We were airborne at 11:15 a.m., and in exactly 11 minutes, we arrived at Friendship Airport. After a few moments for refueling and servicing of the twin jet motor helicopter we were airborne again. The seats were quite comfortable as we relaxed and had refreshments served by the stewardess. In approximately 20 minutes, traveling at 130 miles per hour, we arrived at Dulles International Airport. We landed and took off immediately and exactly 11 minutes later, we landed on the vacant lot adjacent to and immediately east of the Cannon House Office Building. The entire flight took 1 hour.

I think this will be an excellent service for Washington and hope it is initiated at the earliest possible date.

Forty-seven Voices for Sanity

EXTENSION OF REMARKS
OF
HON. DON EDWARDS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 2, 1966

Mr. EDWARDS of California. Mr. Speaker, on July 29, I, along with many of my colleagues, issued a release opposing recent statements by Premier Ky which suggested invasion of North Vietnam and an eventual war with China. Our views, as set forth in the release, were the subject of many newspaper editorials across the country. Among these was the New York Post whose editorial is entitled "47 Voices for Sanity."

At this point, Mr. Speaker, I insert in the RECORD, our release and the New York Post editorial.

[From the New York Post, Aug. 1, 1966]

FORTY-SEVEN VOICES FOR SANITY

In calling on the Johnson Administration to repudiate openly the mindless "spirit of escalation" being preached by Premier Ky of South Viet Nam, 47 Congressmen have displayed both sanity and independence.

The weekend appeal of the 44 House Democrats and three Republicans, who also urged "new initiatives" by the U.S. for peace talks and support for Viet Nam elections "open to all parties," would have been dramatic in any case.

It took special courage for many of the signers to embrace the statement because the "spirit of escalation" is not simply the rash raving of Ky. It seems to have become the main force animating Washington's Viet Nam policy.

The latest evidence is grim enough. Last week, reaffirming his willingness to fight to the last American, Ky proposed an immediate military showdown with Red China and armed invasion of North Viet Nam.

As this wild hip shot echoed round the world, the White House and the State Dept. mildly reminded everyone once again that the U.S. wants no "wider war." Washington then proceeded to widen the war, first with a record-size air raid on North Viet Nam